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From the Editor:

In this issue . . .

THEODORE J. LOWI analyzes the powers of the American presidency and proposes reforms that would both strengthen that office and make it more accountable.

H. E. CHEHABI examines the conflict over the Falkland Islands against the background of other insular disputes of the colonial era and points out the occasional contradictions between the principles of self-determination and of territorial integrity.

ROBERT J. ART describes how the Congress of the last decade has dealt with the defense budget. He argues that Congress has tended to be more involved in micromanagement than in policy oversight and offers specific remedies to create a better balance among those methods of control.

DAVID P. FORSYTHE analyzes the changes that have occurred on the subject of human rights at the United Nations during the past forty years. He contends that the UN record is not as negative as some U.S. officials have suggested, and he stresses the long-term socializing and legitimizing roles of the UN on the subject of human rights.

ATHAN THEOHARIS surveys the history of the FBI's American Legion Contact Program and traces the change in the role and influence of the FBI during the World War II and Cold War years. He recounts its emergence as an autonomous agency committed to legitimating and sustaining anti-Communist politics.

JOHN E. CHUBB discusses the role of federal regulations in the implementation of Title I of the Elementary and Secondary Education Act and of the Vocational Education Act. The evidence, he concludes, indicates that regulation in these cases is not excessive and that deregulated alternatives would be less efficient.

DEMETRIOS CARALEY

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Presidential Power: Restoring The Balance

THEODORE J. LOWI

In a single office, the presidency, the great powers of the American people have been invested, making it the most powerful office in the world. Its power is great precisely because it is truly the people's power, in the form of consent regularly granted. But there is great uncertainty about the terms of the social contract. We can know that virtually all power, limited only by the Bill of Rights, has been granted. And we can know that when presidents take the oath of office they accept the power and the conditions for its use: the promise of performance must be met. But we cannot know what is adequate performance. No entrepreneur would ever sign a contract that leaves the conditions of fulfillment to the subjective judgment of the other party. This is precisely what has happened in the new social contract underlying the modern government of the United States.

The system of large positive national government in the United States was a deliberate construction, arising out of the 1930s. The urgency of the times and the poverty of government experience meant that the building was done exuberantly but improvisationally, without much concern for constitutional values or history. The modern presidency is the centerpiece of that construction. Considered by many a triumph of democracy, the modern American presidency is also its victim.

The gains from presidential government were immediate. Presidential government energized the executive; it gave the national government direction; it en-

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hanced the capacity of presidential leadership to build national consensus and to overcome the natural inertia of a highly heterogeneous society. The costs of presidential government were cumulative. Most of the costs result from the fact that the expectations of the masses have grown faster than the capacity of presidential government to meet them. This imbalance has produced a political cycle, running on a regular course from boom to bust and back again. Just when the national government was beginning to develop a capacity to control the extremes of the business cycle, it was foiled by the phenomenon of the political cycle. The potential for political bankruptcy runs high.

In my book, *The Personal President*, I sought to identify the pathologies of presidential government and to understand their causes. I concluded with proposals for reform—made, however, with a sober awareness that the solution ultimately lies not in specific reforms at all but in a mature awareness of the nature of the problem.

Restoring the Balance

The tortured logic of Watergate calls to mind the notes from an apocryphal biology lab report:

> Detached right wing and legs from fly. Commanded it to fly. It flopped about on the dish.
>
> Detached left wing and legs. Commanded fly to fly. No movement.
>
> Findings: When you detach all wings and legs from a fly, you impair its sense of hearing.

Ten years after Watergate the received wisdom seems to be that it was a low point in the history of the presidency and a high point in the history of the genius of the American system for self-correction. For the first time in American history, a president was forced to resign from office. For the first time in American history, a president had personally committed crimes for which he would almost certainly have been proved guilty if he had not avoided impeachment by resignation and avoided trial by the timely pardon granted him by his hand-picked successor. Yet, "Watergate was potentially the best thing to have happened to the presidency in a long time," wrote Arthur Schlesinger, expressing a view held by many. Removing the President and putting most of his White House staff in jail may have shut the evil genie up in the bottle again for as much as fifty years.[1] All our "imperial presidency" needed to bring it into line was a single blow against misuse, proving that transgression against the Constitution and the laws will be exposed and punished. Fear of exposure and punishment will keep future presidents in line.

An examination of the specific results of Watergate will simply not sustain

[1] Arthur M. Schlesinger, Jr., *The Imperial Presidency* (New York: Popular Library, 1974), 396.

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that kind of conclusion. Ten years of perspective ought to have reduced the scale of Watergate's importance and introduced an element of sobriety in the weighing of the good that came from the punishments of wrongdoing. I frankly do not think the argument about Watergate's benefits was sustainable even in 1974, but in any event, a proper understanding of the presidency today requires a more balanced, therefore, a more skeptical, assessment.

Before jumping to any larger conclusions, such as the fly's loss of hearing, let us review the direct lessons that can definitively be learned from the outcome of Watergate. *If you are president*: Don't commit a crime. Don't encourage members of your staff to commit a crime—that is itself a commission of a crime. Don't keep records—written or on tape—of actions or discussions remotely connected to the commission of a crime. Dispose of any such records well before allegations of possible crimes can be made, because executive privilege does not protect confidential records that bear on such allegations. *If you are a member of the president's staff*: Don't burgle for the president. Don't engage in forgery for the president. Don't engage in illegal wiretapping and electronic surveillance for the president. Don't lie for the president, and in particular don't permit your president to encourage you to lie. Don't encourage or participate in the obstruction of justice. Don't destroy evidence. Don't offer or accept bribes. Don't try to encourage persons or government agencies to engage in actions that violate federal laws. And if any of these activities should take place, be absolutely certain of deniability—that proof can be rendered up that the president was truly and absolutely ignorant of the illegal activities that were taking place.

In other words, no substantial direct lesson can be learned from Watergate except not to engage in illegal activities or be caught doing so. No general lesson can be drawn about the imperial presidency or the plebiscitary presidency that could not have been drawn before Watergate or in ignorance of its events and results. No new Ervin committee or any other source of inside dope is needed to give us facts about how presidents must behave in order to meet the necessities of that office. We can know from our general sense of the presidential track that, except for the violation of a few criminal provisions, the Watergate case is confirmation of and consistent with the nature of the modern presidency, not an aberrant episode. In every respect other than the extent of illegal activities, there is a Watergate of some kind everyday in the life of a president. The scale of presidential power and of mass expectation about presidential power is so great that presidents must, as in Watergate, attempt to control their environment to the maximum, especially those aspects of it that might tend to be barriers in the way of meeting presidential responsibilities. Those responsibilities are so pressing and so close to unmeetable that presidents must have vast contingency plans to make up the difference between expectations and realities. Presidents must first and somehow find a way to control events themselves. But because of the near certainty of failure, presidents must have contingency plans for what to do if they cannot control events. This means they must have contingency plans for controlling the news about the events. That requires an army of public relations people

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to put the best possible interpretation on whatever is reported as news—that is, to try to create the appearance of success. But since the White House cannot control the way events are interpreted as news, there must also be contingency plans for controlling what gets into the public domain in the first place. To this end, not only are an army of people to do public relations needed; there must also be "plumbers" armed with whatever devices of administrative control can be made available. These contingency plans are a perfect parallel to Watergate events and motivations—but carried on by people who learned from Watergate how to do it all without engaging in criminal acts.

The events of Watergate can be considered a culmination and a corrective only if one assumes that Watergate was a case of personal usurpation. Some believe it to have been just that. Schlesinger contributed to this interpretation in 1974 with his important analysis that treated the shift to the imperial presidency as the result of a "capture by the presidency [of] powers reserved by the Constitution and by long historical practice to Congress."[2] But if the modern presidency is not built on personal usurpation, then no personal punishment like the Watergate convictions can abate it, for fifty years or for one year. In the first place, the modern presidency, whether it is defined as imperial or plebiscitary, was very largely the construction of the United States Congress, with the complicity of the federal courts. Second, that construction began with domestic policies during the New Deal and afterward, not with foreign policies. Third, the theory of presidential government was already in place and legitimized well before we became a "national security state." Fourth, although there may be many specific cases of usurpation by modern presidents, these are extreme actions in pursuit of powers and responsibilities by and large willingly and voluntarily delegated to the president by Congress. For example, until Watergate, the clearest case of presidential usurpation was probably the 1952 steel seizure case,[3] and there the Supreme Court told President Harry Truman, even as they were turning him down, that he could probably legally and constitutionally have seized the steel mills if he had relied upon emergency powers granted the presidency under several *congressional* acts rather than claiming inherent presidential powers. In effect, the Supreme Court was giving the president guidelines on how to act extremely without behaving unconstitutionally or illegally. Although President Richard M. Nixon disregarded the Court's guidelines, no case can be made that he was aberrant, illogical, or psychopathological. Quite the contrary. When one understands the assumptions under which he was operating, the only meaningful conclusion is that Nixon was consistent, logical, and normal.

The Imperial/Plebiscitary Presidency

Richard Nixon was brought up on the imperial presidency and had no serious misgivings about it. Imperial meant something established, neither extreme nor

[2] Ibid., 10–11.

[3] *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

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extraordinary. Schlesinger could conceive of an imperial presidency precisely because it was already a real thing and not a figment of his or of Richard Nixon's imagination. Schlesinger chose the characterization *imperial* because it connotes a strong state with sovereignty and power over foreigners, as well as rank, status, privilege, and authority, and it also connotes the president's power and responsibility to do whatever he judges necessary to maintain the sovereignty of the state and its ability to keep public order, both international and domestic. The imperial presidency turns out on inspection, therefore, to be nothing more nor less than the discretionary presidency grounded in national security rather than domestic government. Characterizing the presidency as plebiscitary is not at all inconsistent; it is an attempt to capture the same factors and at the same time to tie them to the greatest source of everyday pressure on the presidency—not the Soviet Union, not world leadership, but the American people and their expectations. Nixon's understanding of this situation in all its aspects was probably more extensive and complete than that of any other modern president. He understood it to a fault. If so, he was operating logically and sanely under the following assumptions:

The first assumption is that the president and the state are the same thing, that president is state personified. The second is that powers should be commensurate with responsibilities. Since most of the responsibilities of state were intentionally delegated to the president, there is every reason to assume that Congress and the people intended that there be a capacity to carry them out.

The third assumption, intimately related to the second, is that the president should not and cannot be bound by normal legal restrictions. To put this indelicately, the president's actions must be considered above the law or subject to a different kind of law from those of ordinary citizens. While not free to commit any crime merely for the sake of convenience, the president nevertheless cannot be constantly beset by considerations of legality when the state itself is or seems to be at issue.

The first three assumptions lead inexorably toward a fourth, which is that any *deliberate* barriers to presidential action must be considered tantamount to disloyalty. Barriers to presidential action can be tolerated up to a point, and it is probable that most presidents, including Richard Nixon, have prided themselves on their uncommon patience with organized protests, well-meaning but embarrassing news leaks, journalistic criticism, and organized political opposition. But there is a point beyond which such barriers cannot be tolerated, and as that point is approached, confidential knowledge of the identities and contentions of the organizers of obstructions must be gathered. When the intentions of these organizers are determined, to the president's satisfaction, to be malicious, it would be foolish for the president to wait until they are fully set in train.

If these assumptions only barely approximate Nixon's understanding of the presidency, then his actions, including his crimes, are entirely consistent and rational, quite possibly motivated by the highest sense of public interest. To reach that conclusion, however, is not to exonerate Nixon but only to bring the system and all its presidents into question. The Gulf of Tonkin incident involved a much

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greater deceit than Watergate. And Nixon's connection between himself and the state was never so intimate as that made by President Lyndon B. Johnson, who was even able to define the Vietnam War in personal terms: "I won't be the first to lose a war."

"Lying in state" is common practice. Presidents operate on the brink of failure and in ignorance of when, where, and how failure will come. They do not and cannot possibly know about even a small proportion of government activity that bears on their failure. They can only put out fires and smile above the ashes. They don't know what's going on—yet they are responsible for it. And they feed that responsibility every time they take credit for good news not of their own making. The best recent example is President Ronald Reagan's claiming credit for the 1984 rise in average national SAT scores.

"Lying in state" is justifiable when the fundamental interests of the state are in peril: when there exists a palpable threat to public order or to diplomacy in situations where premature popular demands could contribute to war. But modern presidents, among whom Richard Nixon is only one, perceive vital threats to national interests earlier and more often than ever. The threats don't have to be real—and usually aren't. President's don't have to believe they are real—and probably don't. Their main obligation is to preserve the myth that they are reserving themselves for the big decisions. This permits them to remain ignorant of most of what is happening; it permits them to leave most of the decisions to staff and most governing to administrators. This is presidential government. *This is presidential government?* It has frequently been observed that one of the main functions of a presidential press conference is the opportunity it provides to brief the president in order to keep him abreast of what is going on. What is presidential government between press conferences?

The presidency has great powers. The president is their victim. And so, unless we act, are we.

Reform: Some False Starts and Panaceas

The decade of 1962–72 was one of the most remarkable in the history of American government. It began in almost unprecedented optimism and ended on the eve of despair. It was a period of unprecedented prosperity and of deep decline in respect for all big institutions, including corporations. It was a decade of tremendous public policy expansion and also a decade in which one president was disgraced and another was about to be deposed. (That still another was assassinated does not appear to have contributed directly to the sense of distrust of authority that was to begin after 1964. In fact, following JFK's death, the public embraced all the more the programs that contributed to the great expansion of the national government. The New Frontier programs that had bogged down in 1962–63 sailed through in 1964).

The connection between expansion of government and crises of authority did not go unnoticed. During the 1970s a number of important changes were made

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that were intended, in one way or another, to restore balance between president and Congress. They simply were not adequate to attain that end, however, because they failed to meet one or more of the following criteria. An appropriate reform would have to deal effectively with the excessive personification of American government in the presidency. At a minimum this would require deflation of public expectations about the capacity of presidents, as individuals, to govern without collective responsibility. A good reform would have to deal with the plebiscitary nature of the presidency. Personification would be less of a problem if the only constituency were Congress and the Washington community. Therefore, a good reform would cool if not break up altogether the love affair between the masses and the president. A good reform would contribute to constitutional balance. Such balance does not have to take the form of the original Separation of Powers, although much can be said for that. As long as the American system rejects a single moral code, however, it must respect Madison's admonition that "auxiliary precautions" are necessary. The approach does not have to be Madison's, but the reform must be judged according to whether it improves the prospect of balancing power against power, ambition against ambition. Two of the most ambitious attempts to increase congressional power vis-à-vis the president—the War Powers Resolution and the Congressional Budget and Impoundment Control Act—failed to bring about any such improvement.

The War Powers Resolution

The War Powers Resolution was passed in November 1973, by a Congress that wanted to put an end to what its members deemed usurpation, the assertion of presidential power to make presidential war. The purpose of the resolution was to guarantee that the president could not commit troops for more than sixty days (or ninety under special conditions) without a congressional debate resulting in congressional approval. Section 3 provides, hopefully, that the president will "in every possible instance" consult with Congress before introducing armed forces into hostilities or "into situations where imminent involvement in hostilities is clearly indicated." Section 4 provides that the president will report his actions to Congress and continue to keep Congress informed. Section 5 provides that the president must terminate any such use of armed forces within sixty calendar days of submitting his report unless Congress has declared war or has enacted a specific authorization for the use of those armed forces. Since presidents in the past have claimed that congressional appropriations amounted to a retroactive approval of the use of armed forces in hostile situations, Section 8 provides that no such interpretation of an appropriation is warranted, unless explicit provision for the particular use of armed forces is included. Section 8 also denies to the president the opportunity to interpret from any mutual security treaty an advance authorization for the use of armed forces.

The purpose of the War Powers Resolution was to "fulfill the intent of the framers of the Constitution" (Section 2) by reintroducing a balancing role for

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Congress. The resolution is in largest part a failure, however, in at least two respects. First, it does not give Congress any substantial powers to check the president or any substantial new opportunities to participate in foreign policy that it did not already have or could not exercise without the resolution. Second, presidents since 1974 have not regarded themselves as bound by the resolution, at least not in the sense Congress seems to have intended. Indeed, they are able to disregard the provisions with impunity, and they seem to have every incentive to do so. It is for the president to decide whether there is a probability of hostilities, and where the troops are introduced. And no president is likely to admit a mere resolution overrides an obligation in a treaty, as he interprets it. Also subject to presidential interpretation is the requirement of consultation "in every possible instance." Congress even put an additional limit on itself by providing that it could not use the "subsequent restraint" of a condemning joint resolution if it had already approved an action through a specific statutory authorization. (Subsequent restraints are in any case severely limited because few members of Congress would be willing to be responsible for cutting off appropriations to support American troops abroad if the president insisted on stationing them there and maintaining them.)

Even the president with the weakest constitutional authority in American history, the appointed Gerald Ford, was able to play fast and loose with the War Powers Resolution within a year after its passage. Among the several instances in which Ford avoided applying it, the most important was the *Mayaguez* incident in 1975. On 12 May the U.S. freighter *Mayaguez* was boarded by Cambodians and taken to the island of Koh Tang. Denouncing the seizure as "an act of piracy," President Ford ordered up a naval blockade, sinking and damaging several Cambodian boats. On 14 May he dispatched eight hundred troops to Thailand and immediately authorized a rescue operation involving bombing and invasion. Ultimately, forty-one Marines were killed and fifty more were wounded, along with an undetermined number of Cambodians, and all in vain because the American captives had shortly before the attack been released and sent across the border into Thailand. At no point during the incident's unfolding did President Ford observe the provisions of the War Powers Resolution. Even when he did choose to report to Congress, he based his actions on his authority as commander-in-chief and therefore saw no need to observe the provisions of the resolution. Toward the end of his term as he reviewed the six incidents of foreign involvement where presumably the War Powers Resolution was applicable, Ford argued that he "did not concede that the Resolution itself was legally binding on the President on constitutional grounds."[4]

Jimmy Carter entered office opposed to an imperial presidency. Yet he also evaded the application and intent of the War Powers Resolution, particularly

[4] Quoted in Raymond Tatalovich and Byron W. Daynes, *Presidential Power in the United States* (Monterey, Calif.: Brooks/Cole, 1984), 332. The six cases were: three evacuations from the Indo-Chinese peninsula in 1975; the *Mayaguez* incident; and the two evacuations from Lebanon in 1976.

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in his dealings with Iran. Carter's actions tended strongly to confirm an argument made at the time that, rather than limiting a president's involvement in foreign hostilities, the resolution might actually have served to encourage presidents to initiate some military action during the sixty-day grace period when legislative approval is not required. In effect, the resolution gives the president blanket power to use military force for sixty days, without legislative authorization; in other words, this provision "legitimizes a war-making power that heretofore had been based on customary practice and precedent."[5]

Budget Reform

The Congressional Budget and Impoundment Control Act of 1974 also had as its intention the restoration of a balance between the president and Congress. The purpose of the act was to centralize the budgetary process in Congress and to bring appropriations decisions closer to revenue decisions. The act created a House and a Senate Budget Committee and a new staff agency, the Congressional Budget Office (CBO). It also created an entirely new schedule for budget decisions and a new set of procedures for moving the budget along from phase to phase. The CBO was set up to give Congress the expertise and the research staff necessary to make the whole process work independently of the president and the Office of Management and Budget (OMB). The guts of the new process was to be the annual Concurrent Resolution, to be passed by the House and Senate by 15 May, setting forth budget outlays, new budgetary authority for particular programs, projections of future commitments, estimated revenues, and the level of taxation for the next five fiscal years. This resolution was intended to govern all appropriation decisions, which accordingly would be made in light of established budgetary ceilings and of available revenues. By 15 September, a second Concurrent Resolution, taking into account the debates and decisions on the various appropriations and revenue bills, is supposed to be passed. Once adopted, this resolution is binding on Congress, preventing enactment of any spending bill beyond the ceilings or adoption of any tax measures which alter the revenue estimates. "Reconciliation" of any legislative action in conflict with the second Concurrent Resolution is supposed to be completed by 25 September, in time for the new fiscal year, which since 1974 has begun on 1 October.

There are few disagreements with the contention that the reformed budget process is an improvement. The CBO has turned out to be a definite asset for Congress and a tremendously important source of fiscal information independent of and often in contention with that of the White House and the OMB. However, there are few who would argue that the new arrangements have substantially changed the imbalances of power between the executive branch and Congress. Even where Congress permits itself to be influenced by its own ceilings as established in the first Concurrent Resolution, the second Concurrent Resolu-

[5] Ibid., 363.

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tion has been late every year since the first year (1976) and is, therefore, not available at the most significant times when commitments are made. Moreover, Congress has not yet been able to use the reformed budgetary process to improve its ability to make real "program budget" decisions, wherein priorities between and among programs and appropriations are actually set.

The real test of the reformed budget process came with Ronald Reagan. President Reagan's commitment to reduce the size of the national government made the budget process more important than ever. Major policy decisions involving substantial cuts, especially in welfare and other service programs, were ultimately translated into budgetary decisions. In an unusual move, Reagan's assistants in the White House conspired with his supporters in Congress to incorporate all of the executive budget proposals into a single bill, called a Reconciliation Bill, adopting the language of the Budget Act. This forced Congress to accept the Reagan budget priorities and thus to accept the executive budget on the president's terms, just as had happened under the strongest executives *before* the passage of the 1974 act. As a result, members of Congress could not influence the budget in the usual way, by separating out particular things to bargain on. And the budget was made into a popular issue, which forced members of Congress into the position of voting for or against bigger budgets and for or against a very popular president.[6]

President Reagan did not repeat this strategy or gain the same successes with his later budgets. In fact, president-Congress relations in his second, third, and fourth years were more like war in the trenches. But whether presidential goals are attained or not, there is nothing about the present budget process itself that anywhere nearly meets the criteria for meaningful reform set forth above. Assessment of the budget reform's success in reducing constitutional imbalances can best be made in the words of the most outstanding and respected student of the budget process:

> [N]either Congress nor the President can effectively budget if most spending decisions are made outside the budget process. . . . [T]he fact that three-quarters of total expenditures are deemed to be uncontrollable [entitlements provided by law, "off-budget" commitments in loans and loan guarantees, etc.] means that the amounts cannot be determined through budget decisions alone but can be controlled through other actions such as legislative changes in existing laws. In effect, budgeting is subordinate to other resource allocation processes which lack its routines and sensitivity to the relationship between claims on the budget and available resources. . . . As a result, while the Government's control of the "administrative budget" is adequate, its control of the political budget is not. . . . *Tinkering with the machinery of budgeting will not solve the*

[6] Allen Shick, "How the Budget Was Won and Lost," in Norman Ornstein, ed., *President and Congress: Assessing Reagan's First Year* (Washington, D.C.: American Enterprise Institute, 1982), 25–26. For an updated assessment by Schick, see "The Budget as an Instrument of Presidential Policy," in Lester Salamon, ed., *Governance: The Reagan Era and Beyond* (Washington, D.C.: Urban Institute, 1985).

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problem of control nor will it restore the process to the status it once had. Budgeting is not designed to cope with the issues it now faces.

> The problem is not solely one of budgeting, but goes to the heart of governance. . . . When the federal government effectively governs, it will again have the capacity to budget.[7]

An Old Panacea, Wisely Resisted: One Six-Year Term

War Powers provisions and added congressional budget controls righted no fundamental wrongs. Balance did not replace imbalance. Congress continues to delegate and defer, preferring as always to fight little battles rather than confront constitutional causes. The president continues to be plebiscitary, and presidential behavior continues to show the stresses of that situation. Parties continue to live, and decline, at the periphery. Members of Congress continue to rely, and increasingly, on political action committees (PACs), pushing parties further to the periphery. And the people, *en masse*, continue to vacillate between excessive expectations and unwarranted indignation. No wonder some of us are tempted from time to time to revive old proposals, especially if they look like panaceas. The panacea that will not die but will not, as yet, be accepted, is the constitutional provision limiting presidential tenure to one six-year term.

This remedy for excesses of presidential power is as old as the presidency itself. A nonrepeatable term was considered at the Constitutional Convention and was proposed in Congress as early as 1821 or 1826, depending on which presidential historian you consult. Although there is no open and shut case either way regarding this proposal, something important ought to be learned from the fact that it has been so attractive to so many people yet always falls short of being adopted.

The points in favor of the single six-year presidential term can be outlined simply and briefly. It would enable the president to devote all of his time to the job. Many a staffer and president-watcher has observed that a president begins his reelection campaign shortly after his inauguration. Moreover, the argument goes, the president would be free of partisan considerations and could be the leader of all the people. The single six-year term proposal enjoyed a particularly strong revival in the mid-1970s because of the assumption that Watergate would not have occurred at all if the Nixon people had not been so obsessed with reelection.

Everything that can be said in favor of the single six-year term boils down to the single argument that politics should be taken out of the office. As James MacGregor Burns observed, this issue is indicative of the ambivalence of the American people, including American presidents, toward the presidency itself

[7] Schick, "The Budget as an Instrument of Presidential Policy," quoted from the typescript, 45–46; emphasis added.

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and all its power. Every president between Harry Truman and Jimmy Carter, with the possible exception of Dwight Eisenhower, seems to have at one time or another favored a severe constitutional limitation on presidential tenure.[8] They may later have switched their positions, but that in itself is indicative of ambivalence toward the power and the potential imbalance in the office.

The case against the single six-year term reform is more complex but at least equally compelling—considerably more compelling to some people. First, any constitutional limit on the number of terms that can be served is a violation of democratic principles, which favor accountability through election, of which reelection is an essential part. On this ground the Twentieth Amendment, limiting presidents to two four-year terms, was also an extremely dubious reform. Second, even if we can justify an exception to the principle of accountability through election, it is impossible to determine the ideal length of the single term. Woodrow Wilson made this point in his case against the single six-year term, "Four years is too long a term for a president who is not the true spokesman of the people [and] is too short a term for a president who is doing, or attempting, a great work of reform, and who has not had time to finish it."[9]

Another strong argument against the single six-year term is that it would remove the presidency still further from party politics and thrust it still further into mass politics. Adoption of important policies requires a long and involved process of mobilizing support. Presidential leadership is needed, but the role it plays here is not simple. Freedom from reelection cannot alter that but can change the process, reinforcing the plebiscitary character of the presidency by freeing the president from party but not from popularity.

It is also persuasively argued that a president elected to a single six-year term would still have a gigantic bureaucracy to confront. As unwieldly as that gigantic bureaucracy is, it is more responsive to a popularly supported president and an enthusiastic Congress than to anything else.

While all those points are worth making in an evaluation of the single six-year term, it is curious to me that one of the most telling points against the single, nonrepeatable term has not been advanced. Its absence can perhaps be attributed to the lack of political scientists raised in southern states. This kind of constitutional limitation on elections is generally a product of systems with weak or nonexistent political parties. Since there is no party continuity or corporate party integrity in such systems, there is no basis for putting trust in the desire for reelection as a safeguard against bad management. Better under those conditions to operate on the basis of negative assumptions against incumbents. I do not know if the earliest proposal for a single, nonrepeatable term was made in the 1820s because that was a period of severely weak political parties. But I do

[8] James MacGregor Burns, *The Power to Lead: The Crisis of the American Presidency* (New York: Simon & Schuster, 1984), 181–82.

[9] Quoted in Thomas E. Cronin, *The State of the Presidency*, 2d ed. (Boston: Little, Brown, 1980), 356. This is an excerpt from Cronin's own excellent assessment of the single six-year term.

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feel confident that this is a major reason, if not the only reason, that such a proposal has been popular since the 1940s. And though the association of the nonrepeatable election with weak political parties is not in itself an argument against the limitation, the fallout from this association does contribute significantly to the negative argument. To put the matter bluntly, single-term limitations are strongly associated with corruption. In any weak party system, including the national presidential system, the onus of making deals and compromises, both shady and honorable, rests heavily upon individual candidates. Without some semblance of corporate integrity in a party, individual candidates have few opportunities to amortize their obligations across the spectrum of elective and appointive jobs and policy proposals. The deals tend to be personalized and the payoffs come home to roost accordingly. If that situation is already endemic in conditions of weak or no parties, adding to it the limitation against reelection means that the candidates and officials, already prevented from amortizing their deals across space, are also unable to amortize their obligations across time. This makes for a highly pressurized situation, where all the deals have to be personal and immediate. And it is a highly corrupting situation, turned from bad in the absence of a party ticket to worse in the absence of the time perspective produced by the prospect of reelection. As I implied earlier, the two-term limit we have now ought to be repealed.

The single six-year term for presidents is a reform comparable to the party and campaign finance reforms of the 1970s. It is an effort to compensate for the absence of a viable party system, but it is a compensation ultimately paid for by further weakening of the party system itself. Observers, especially foreign observers, have often noted that one source of weakness in American political parties is the certainty of election every two or four years. This, they say, is already an unjustifiable limitation on the electoral process, not only because any artificial limitation on elections is a violation of democratic principles but also because when elections are set in a certain and unchangeable cycle, political parties do not have to remain alert but can disappear into inactivity until a known point prior to the next election. In contrast, parliamentary systems in which elections can be called essentially at any time, depending upon political advantage or the maturation of a certain issue, require relatively continuous alertness on the part of party leaders, party candidates, and party workers. To rigidify matters by going beyond the determinacy of the electoral cycle to add an absolute rule of one term would hang still another millstone around the neck of already doddering political parties.

I can only hope that the addition of this argument to the negative case will contribute to a definitive and final rout of the single six-year term as a reform. At least one thing can be learned from the career of George Wallace. Although he sought the restoration in Alabama of the right of reelection for the wrong reasons, it is nevertheless true that he sought it at a time and achieved it at a time when Alabama had once again reentered the ranks of states with active and

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competitive party systems. The limitation on reelection is an idea whose time ought never to come.

Another Approach: Reform the Reforms

Virtually every treatment of the modern presidency, including this one, is respectful of the relationship between the selection process and the nature and conduct of the office. The present selection arrangements are themselves the products of reforms, reforms whose principal motivation was the enhancement of some desirable presidential characteristic—more democratization, more power, more accountability, and so on. This long tradition continues.

One of the most important reform proposals is that of a national direct primary for nominating presidential candidates. This suggestion is not new; like any advocacy of direct primary, it comes out of the antiparty tradition beginning in the 1890s. The proposal for a national direct primary returned to popularity in the 1970s not only because opposition to conventions continues but also because of disappointments with the results of state primaries for choosing delegates to conventions. All such concerns would be obviated if the national nominating conventions were replaced with a single direct nominating primary to select the presidential candidate for each party. The typical reform proposal provides for the national primary in August preceding the November presidential election. If no candidate receives, say, 40 percent of the primary vote, a second or run-off primary between the two leading candidates is to be held a week or a month later. Other provisions deal with the number of signatures on qualifying petitions, the number of states in which signatures must be obtained, the qualification of voters to participate in each of the national primaries, and so on. A typical compromise in these proposals is to provide for a national convention to select the vice presidential candidate and to adopt a platform.

The main advantages of such a reform are fairly obvious. The national primaries would be far more open and public than any other method of nomination. They would eliminate the risk of choosing a "dark horse," that is, a presidential candidate unknown to a large part of the public, initially supported by only a minority of activists. Other great advantages would be the reduction of the inordinate length of the selection process and the elimination of the tremendous cost of campaigning in state after state from January through June. A related advantage would be that the method would cut down or perhaps even eliminate the "bandwagon" effect whereby a few unexpected successes in early primaries can produce a momentum difficult to resist later on, even though the candidate, like Jimmy Carter, started out as a distinct minority candidate.

But the disadvantages more than counterbalance the strong points. The greatest drawback, at least in the eyes of most people, would be the likelihood that the direct national primary would deal a death blow to a national party system. A second, and related, problem is that national primaries would be

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heavily biased in favor of candidates already fairly well known and recognized by the public. There would be no opportunity for others to gain public recognition through their performances in a sequence of state primaries. Third, and to me most important, the direct national primary would reinforce and enhance the existing system's tendencies to strengthen and encourage the plebiscitary presidency. With all its present weaknesses—especially the fact that delegates are merely amassed—the present delegate selection process at least provides an opportunity for middle-level activists to play a role and contribute to some modicum of party presence at a national level. Without that intermediate process, the phenomenon of flux would be even more prominent. The mass base of the president would be even more direct and unmediated than it is today. Here is another of those cases where a reform can achieve the opposite of what many of its supporters want to achieve.

Partly in the hope of avoiding that pitfall, some of the most recent proposals for reform have been aimed directly and unapologetically at deliberate restoration of party organizations and the two-party system. One of those, aimed at restoring the convention system, provides that up to one-third or even one-half of the delegates be chosen by state party leaders without going through a public selection process at all. The argument is that this would permit some of the real coalition building that was once a natural and essential feature of party government. Another such proposal is that of a preprimary convention, a system of selection in which delegates chosen by state caucuses or conventions would go to a national preprimary convention to cast their ballots, either as unpledged individual delegates or as members of unified state delegations. One or more ballots would be cast at the convention, but the candidate with a majority would not be declared the nominee if any second candidate received as much as 25 percent (or some other specified percent) of the delegate votes. In that event a national primary would then be held, in order to determine on a popular basis who the nominee would be. Another equally imaginative proposal is to permit delegates to be selected in any manner the states provide but not to permit them to be pledged to vote for a specific candidate at the convention. Such a collection of several hundred uninstructed delegates would be able, it is argued, to deliberate to form real coalitions as parties did in the good old days.

Whatever case might be made for each of these proposals and others like them, it is extremely doubtful that they could revive the two major parties to a state in any way comparable to that they once held. If I am correct in my contention that most antiparty reforms of the past were more a reflection than a cause of party decline, then a reversal of the original reforms would not reverse the downward trend. But even if these reforms were direct causal agents, there is no guarantee at all that reforming these reforms would restore the parties to the *status quo ante.* Many other conditions now exist—especially big government itself—which are inhospitable to parties and especially to the two-party system. Over and above all reforms and reformed reforms, these new conditions have to

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be confronted before there can be any developments toward party government and, by that means, the restoration of some constitutional balance.[10] Moreover, it is a chicken/egg situation. Even if a clear case can be made that one of the new reforms or a reformed reform would contribute directly to party restoration, strong parties would already have to exist before any of these reforms could be implemented and sustained. For example, any unified national system of presidential selection would require enough organized support at the national level to impose uniform registration and selection rules on all the states. It is difficult to imagine this being possible without the preexistence of fairly unified parties in Congress and around the president and major presidential candidates. Political parties that are already too weak to fight off antiparty reforms are not the kinds of institutions that can enact new legislation making them strong enough to resist and reverse the antiparty trend.

Proposing the Unattainable: A Presidential Cabinet

Clearly one of the most desirable reforms would be a real cabinet around the presidency. A cabinet combines the advantages of a single chief executive with those of a plural executive. A cabinet would cut down, without eliminating, the personification of government in the plebiscitary presidency. Any number of advantages flow from the introduction of collective responsibility.

Unfortunately, this proposal runs afoul of a law governing all reform proposals: *There is an inverse relationship between feasibility and effectiveness.* A small step toward the development of a cabinet might have been taken after 1976, when Ronald Reagan identified his vice presidential running mate before the balloting and proposed that such a step be made a rule of the Republican party. If this same principle were expanded slightly, a true cabinet might develop. The important part of the early naming of appointees would be to identify the group *as a group* and to associate the members with the president and with the electoral process. This practice would give voters a much better sense of the shape and direction of the eventual administration, and at the same time it would provide the president with a true basis for sharing his responsibilities.

Effective as a cabinet would be, it is not feasible as long as the political parties are as weak as they are. Preelection identification of top appointees might help restore some strength to the national political parties, but a number of other conditions favorable to strong parties would also have to prevail. The point is that a cabinet is an instrument of party government and is difficult to conceive or construct without a minimum of party continuity and organizational integrity. At the present time, both the major parties fall below this minimum.

[10] The best evaluations of the recent reforms and reform proposals will be found in James W. Davis, *National Conventions in an Age of Party Reform* (Westport, Conn.: Greenwood Press, 1983), chap. 8; and Nelson W. Polsby, "Reform of the Party System and the Conduct of the Presidency," in James Sterling Young, ed., *Problems and Prospects of Presidential Leadership in the 1980s* (Lanham, Md.: University Press of America, 1982), 103–11.

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Real Reform: Toward a More Responsible Multiparty System

Time and again my analysis of presidential pathology has encountered the decline and continued weakness of the party system. The plebiscitary presidency is virtually defined by the contrast of mass democracy with party democracy. Cabinets are hard to conceive without parties. Presidents are exposed to unconscionable stress, impossible mass expectations, and incessant interest group pressures without the mediating influence of political parties. In 1950, the Committee on Political Parties of the American Political Science Association was already able to observe that the weakness of the party system "is a very serious matter, for it affects the very heartbeat of American democracy. It also poses grave problems of domestic and foreign policy in an era when it is no longer safe for the nation to deal piecemeal with issues."[11]

But the American Political Science Association committee went wrong in its assumption that the restoration of American parties and party government meant restoration of the *two-party system*: "The fundamental requirement of accountability is a two-party system in which the opposition party acts as critic . . . presenting the policy alternatives that are necessary for a true choice in reaching public decisions."[12] Committee members accepted this proposition *despite their explicit recognition* that the two-party system never gave America cohesive policies, coherent programs, *or* collective accountability. And almost all the published responses to their important report, even those that otherwise criticized it, embraced the parts concerning the virtues of the two-party system.

The two-party system is a good source of examples of myths in politics. A myth is not a falsehood. A myth is a statement or a belief about reality that does not depend upon the truth to be accepted. A myth may be true or based on truth; the closer the myth is to the truth, the more durable it is likely to be. Nevertheless, the mark of the myth is acceptance for reasons other than evidence. Plato was probably the first thinker to recognize the political importance of myths and their value in building and maintaining a republic.

Without any difficulty I have identified nine of the myths that support the two-party system. They are not an exhaustive inventory, but their exposure will help to prepare the way for a move in another direction.

Nine Easy-to-Spot Myths about the Two-Party System

Myth 1: American democracy is based on the two-party system, and we have been operating continuously under that system for almost our entire history. American democracy is inconceivable without the two-party system.

[11] American Political Science Association, "Toward a More Responsible Two-Party System," supplement, *American Political Science Review* 44, no. 3, part 2 (September, 1950): v. Portions of this section were first published in Lowi, "Toward a More Responsible Three-Party System," *PS*, 16 (Fall 1983): 699–706.

[12] APSA, "Toward a More Responsible Two-Party System," 1–2.

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The two-party system does indeed go back a very long way in American history, and there is ample evidence to support a non-mythological argument that it has made a significant contribution to the country's development. However, the golden age of the two-party system was the nineteenth century, and that age ended rather abruptly in 1896, when the southern states became exclusively one-party systems dominated by the Democrats and to a lesser degree the northern states became one-party systems dominated by the Republicans. Even in some important states where the two parties competed directly, the counties in one part of the state were one-party Democratic systems, and those in the other part were one-party Republican systems. Therefore, while nationally the two-party system seemed to dominate into the twentieth century, the truth was that *we were governed mainly by two competing one-party systems*, not a bona fide two-party system. This situation of two competing one-party systems prevailed at the national level and within many states from 1896 into the 1950s, when the Republican party began making serious inroads into the Democratic south. But by that time the two political parties were internally so weak that the two-party system President Eisenhower reintroduced was hardly a shadow of its nineteenth-century ancestor.

Myth 2: The two-party system must be defended at all costs because, as with competing enterprises in a market economy, the competition between the two major parties yields great though unintended public benefits, such as: a higher rate of participation than in systems without two competing parties; automatic majorities, so that Congress and the president can get on with the job of governing after the election is over; greater effectiveness and decisiveness in government; and therefore a larger degree of government legitimacy because of a continuity between the electorate and important policies.

If all these benefits genuinely did result, a person would be a real subversive to support anything other than a two-party system. But a closer examination quickly turns these contentions into nonsense. Two-party competition has not had an appreciable regular positive effect on voter turnout since the late nineteenth century. Two-party competition cannot even explain the dramatic increase in the political participation of blacks in the south. Blacks were effectively enfranchised by laws passed in Congress with *non*partisan northern majorities, imposed on southern states. And one of the most dramatic scenes of increased political participation has been the city of Chicago, not a famous case of two-party competition.

Belief that the system provides automatic majorities flies in the face of the fact that Congress for the entire twentieth century has operated on the basis of coalitions among voting blocs. Except for an occasional honeymoon, such as Reagan's in 1981, there has been very little party cohesion in recent decades, and every major legislative campaign requires the development of a coalition of voting blocs virtually from scratch. What produces automatic majorities is the presentation of alternatives in stark yes/no forms—and that takes intellectual creativity and legislative draftsmanship. Any number of blocs and parties can

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play, and majorities will be produced as long as members can only vote yes or no. Party leaders are important in Congress, but their functions would not be rendered impossible by the mere presence of members of more than two parties.

And as for legitimacy, given the overwhelming evidence in the public opinion polls of the past twenty years, it is hard to imagine that we could do any worse for legitimacy with a multiparty system. The dramatic decline of trust coupled with the dramatic increase in the percentage of voters who refer to themselves as Independents—during the very two decades in which two-party competition was restored to many of the states—ought to bring at least some discomfort to the defenders of the myths of the two-party system.

Myth 3: The two-party system is natural; it is American, it is the only system consonant with America's historic electoral system—the single-member district system.

The fact is that the two-party system is not natural and requires laws to foster and protect it. Even the historic place of the single-member district system is mythological. In the first place, the most important single-member district of all, the state, existed only for governor. U.S. senators were not elected directly by the people until 1914. In the second place, all during the formative years of the nineteenth century, there were significant numbers of *multiple*-member districts. In 1842, Vermont was the only state, among twenty-six, where all state legislators were chosen one to a district. In all the states during the nineteenth century, all or most members of Congress represented multiple-member districts.[13] Although Congress attempted to change this situation in the 1870s with laws requiring single-member districts, multimember districts were slow to disappear. In 1912, when the forty-eighth state entered the Union, multiple-member districts were still numerically dominant in legislatures in at least half the states, even more than half of the original thirteen states. In 1955, over half (58.3 percent) of the districts of the forty-eight state legislatures then existing were multiple-member districts. By the mid-1970s most districts (92.8 percent of state senatorial and 80.5 percent of state assembly districts) were single-member; but even so, 42 percent of the members of the state assemblies were elected from multimember districts.[14]

Although it is true that the two countries with the most widespread practice of single-member district representation—the United States and Great Britain—have had the most extensive experience with two-party systems, their experiences do not confirm the myth nearly as strongly as has been believed. Great Britain has operated under a *three*-party system for a good proportion of the twentieth century. And its present party system is doing its best either to disintegrate or to re-form into a three-party system. In the United States, the extensive ex-

[13] Maurice Klain, "A New Look at the Constituencies: The Need for a Recount and a Reappraisal," *American Political Science Review* 49 (1955): 1105–1119.

[14] Alan Rosenthal, *Legislative Life: People, Process, and Performance in the States* (New York: Harper & Row, 1981), 15.

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perience with *one*-party systems suggests that the single-member district system of representation is capable of discouraging a weak *second* party just as it has been capable of discouraging third parties.

Recognition of these facts opens up several possibilities: If the number two is not sacred, need myths and laws continue to overwhelm third parties? (I am not advocating any particular number, but for reasons I give below, three-party systems are more likely to develop than systems with more than three.) First, a third party can survive in single-member districts if it can split off enough votes to be an occasional winner, or a threat to win—so that the psychology of the wasted vote is avoided. Second, a third party can extend its survival by joint nomination—that is, by nominating some of the candidates of one of the other two parties. This is one of the major secrets of the success of the Liberal party and the Conservative party in the state of New York. Third, to the extent the single-member district system does discourage more than two parties—and this is a stronger tendency where the chief executives are also elected in a winner-take-all plurality system of elections—there will be some districts in which the third party survives and one of the two previously major parties declines. These possibilities in turn raise the probability that even if three party organizations actually co-exist in only a few individual districts, there would still be a three-party legislature. And that would improve the probability of three-party competition for the governorships and the presidency, in which the winners would be elected by pluralities far smaller than majorities. Such outcomes would contribute significantly to the deflation of the plebiscitary chief executive. More will be said of this below.

Myth 4: A vote for a third-party candidate is a wasted vote.

Myth 5: A vote for a third-party candidate is a mischievous vote, more powerful than a vote for one of the major party candidates, because it helps elect the worst of the two major candidates.

These two myths are taken together because they give contradictory arguments against supporting a third party and thereby prove that myths need not be consistent to be effective. Take number 5 first. It operates on the very questionable assumption that one of the major candidates is clearly better than the other. But what are voters to do if they have concluded that *both* major candidates are worse? Recognizing the absurdity, many voters become nonvoters. Since nonvoting is stigmatized, nonvoters are usually quiet, thus depriving their nonvote of the influence it should have. Nonvoting, when done loudly, is an important form of participation. But by the same logic, so is a vote for a candidate for a third party, which is the short answer to myth 4. A vote for a third party candidate is *never* wasted. If the vote is for a dissident party, it is a protest vote that can instill considerable anxiety in the leadership of the major parties. If the vote is for a programmatic third party, a more substantive message is sent; and history shows that these messages are almost always received by the leaders of the major parties. There is still another type of third party, and a vote for it would be the

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most effective of all—if a party of that sort were made available. This is an *electorally* based third party: a third party just like the two major parties, just as pragmatic, just as concerned with winning elections. Creating such a party on a national scale has not been tried seriously since the Progressives tried it in 1912. The very presence of such a third party would make a fundamental difference to the political system.

Myth 6: If some third-party candidates got elected to Congress, there would be havoc. Their presence would foul up the allocation of committee assignments, and all during the session their presence would remove from the more important two parties the automatic majority that makes decisive legislation possible. There would be resort to bloc voting and balance-of-power politics.

The general case made earlier about the nonsense of automatic majorities applies to the particular instance of Congress. As for the complicating effect of third-party members on committee assignments, surely the task, though more complex, would be far from impossible. And once Congress got itself organized with third-party members in their assigned committees, why should three blocs calling themselves by party names complicate congressional coalition-building any more than the present multiple-bloc structure complicates it? The presence of a significant third-party delegation in Congress might very well ease the burden of legislative leadership inasmuch as the conferences and caucuses of the two major parties could more readily and clearly develop and maintain distinct policy positions. Many party leaders cultivate the two-party system mythology precisely because they want to avoid the collective responsibility inherent in cohesive parties.

Myth 7: If a third party elected some members of Congress and also received some electoral votes in close presidential elections, then there would be a real calamity—a constitutional crisis where the lack of an absolute majority in the electoral college for one candidate would require selection among the top three candidates by the House of Representatives, with each state having one vote regardless of its size.

Myth 8: Even if the presence of an important third party did not have an apocalyptic effect, it would hold a balance-of-power position giving it an influence far out of proportion to its size.

One important myth not counted here because it is not directly pertinent to the two-party system is that American democracy is so fragile that the slightest constitutional jolt will have an apocalyptic effect. Defenders of the status quo will always invoke the specter of constitutional crisis although constitutional crisis is contemplated by the Constitution itself. There is hardly any doubt that the regular presence of more than two parties would transform the present selection system, just as the new party system of 1800 transformed the original selection system, producing the Twelfth Amendment and the undermining of the original intent of the Electoral College. It is also true that if a third party candidate were regularly present, the two major candidates would have to do some

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very serious bargaining with the third party at times when they fell short of an absolute majority of electoral votes. That bargaining would lead to fundamental compromises with the platform as adopted the previous July or August and developed during the campaign. But, as for Myth 8, why should the added intensity of bargaining give a third party such a disproportionate influence? What is to stop the candidates of the two major parties from compromising with each other? This ability to compromise "across the aisle" is often identified as one of the virtues of American politics. There is no reason to assume this virtue would disappear in the presence of more than two parties.

If a third party should establish itself, Americans would not long tolerate so unrepresentative a system as that called for by the Twelfth Amendment, in which each state, regardless of the size, has only one vote in the House of Representatives. The result would probably be the adoption of a constitutional amendment providing for the abolition of the Electoral College and/or the removal of the original provision that the House of Representatives would vote according to states. However, during the time Congress would need to pass a new amendment and the states to ratify it, a serious revaluation of the presidency would be set in train. One aspect of that revaluation would involve a move by Congress back toward the center of the president's constituency, intervening between president and masses. Another aspect would be confrontation of the fact that presidents even today are elected not by real majorities but by minorities—which we call pluralities. Finally, if a third party did succeed in establishing itself, and if that did bring forth a constitutional amendment, that amendment would either have to provide for a national election—in which the victory would definitely be a matter of mere plurality—or the new amendment would have to provide for a run-off election between the two leading candidates; and *a system with a run-off election turns out to be much more conducive to a multiparty system than our present single-member district plurality system.* Either way, therefore, a serious third-party presence would profoundly alter the selection system and bring presidents down a notch or two.

Myth 9: Without his own party base, the president would not be able to govern.

This is a myth from the past that is becoming a scientifically validated reality of the present. When presidents had a party base, they weren't governing. Once the governmental system was reconstructed to depend on the president's capacity to govern, there was no longer a party base. And sure enough, without that party base, they can't govern.

Nothing about the present American party system warrants the respect it receives. Presidents need a party and have none. Voters need choices and continuity and rarely have either. Congress needs cohesion and has little. Although almost everyone recognizes that party organizations in the United States have all but disappeared, especially from the national scene, most people nevertheless assume that this is merely a momentary lapse and that the two-party system is the American way. But this moment of lapse is now three or four decades in dura-

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tion. It should be clear by now that big, modern, programmatic governments are not hospitable to two-party systems, anywhere in the world. A two-party system simply cannot grapple with complex programmatic alternatives in a manner that is meaningful to large electorates. Modern programmatic governments do need political parties, just as much as traditional patronage governments needed them. It is not party systems but the two-party system in particular that no longer can suffice. No amount of tinkering by well-intentioned reformers can revive the two-party system. Most efforts to do so have turned out to be counterproductive.

A multiparty system will seem alien on American soil only as long as the two-party system is taken as the only true, American way to govern. But in our epoch, that is almost the same as saying that the sun daily crosses the sky as a heavenly chariot of fire drawn by two giant horses. It is the two-party system that has become the alien phenomenon. The presence of other real parties with a real electoral base and a real presence in state legislatures, in Congress, and in the Electoral College, could clarify the policies, programs and the lines of accountability of the two major parties by reducing their need to appear to be all things to all people. The scale of their coverage and commitments could be narrowed. And most important, presidential candidates would no longer have to appear omnicompetent. Parties could present real choices, especially after everyone begins to recognize that the compromises would take place in the legislature, after the election.

Actually, the prospect of a constitutional crisis over the election of the president turns out to be one of the best arguments *in favor* of a multiparty system. There is virtually a consensus on the proposition that the presidency has gotten too big. The last two presidents won by running against the big presidency and the big government for which the presidency is responsible. Most people now agree that the presidency is too exposed to the mass public and too heavily burdened by personal responsibility for putting the whole world to rights. The presence of a third important party capable of obtaining seats in the House of Representatives and a few electoral votes would hardly throw every presidential election into the House of Representatives. Its presence *would*, however, force each of the candidates for the nominations of the two major parties to look to the House of Representatives as the place where the real election *might take place*. This would transform the presidency because Congress would become the president's direct constituency. A stalemate in the Electoral College would not have to happen every four years. The likelihood of its happening would be sufficient to require every presidential candidate to have a contingency plan for such an eventuality. This necessity would tilt the recruitment process even more than at present toward congressional personnel, but more important, it would force each presidential candidate and each president to build and maintain a congressional constituency. That is precisely the relationship embodied in the original plan of the Constitution before the two-party system captured the Electoral College. During the century of real two-party democracy, it was probably very good

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that the presidency had an independent, democratic popular base in the United States. But when the president's base is no longer a party base but a loose mass base, the situation is altered. A multiparty system would give the presidency a base both in Congress and in a party. It would also bring the presidency back toward human scale by providing an adequate, democratic basis for real collective responsibility.

It bears repeating here that if a three-party system were established in the national government of the United States, there would be a serious move to abolish the Electoral College or change the provision that the House of Representatives would vote by states, or both. But any such effort would take a while, and the interim situation's influence on the presidency could be very great. On the other hand, it is quite possible that a move to abolish the Electoral College would fail, as all of the other numerous attempts have failed, because once a new party is established, any attempt to change the important rules of the game would be immediately seen as malevolent and grossly undemocratic. Manipulation of the electoral rules to determine the outcome of a specific contest almost always backfires, weakening the legitimacy of the government as well as the parties to the manipulation. Electoral manipulation helped bring down the Fourth Republic in France. Fear of such a plot backfiring would delay, perhaps even indefinitely, the abolition of the Electoral College. As soon as the move was made to blunt the influence of a third party by abolishing the Electoral College, however, there would have to be a confrontation with the entire electoral system, including the single-member district system of congressional elections. Why? Because the democratic rhetoric involved in Electoral College reform would spotlight the nonmajoritarian features of Congress. Nothing drastic like proportional representation in multiple-member districts would be required. The single-member district system could be left intact by simply changing the victory requirement from the present plurality to an absolute majority, which would require a second election, or run-off, between the two leading candidates. As I mentioned, such a majoritarian system requiring a run-off is highly accommodating to third parties.[15]

Any scenario involving a third party necessarily raises the question, if there is to be a third party, why not a fourth or fifth, or more? Why not? The specter of fragmentation is a variant of the myth of the apocalypse. True, the potential for fragmentation is very great in the United States. What is to prevent many groupings from growing into political parties? Note has already been taken of the remarkable and generally mischievous spread of PACs—those interest groups that have been turning from conventional strategies of influencing government officials to the strategies of getting the officials elected.

We do not need, however, to set artificial limits. There is a natural limit to the number of real political parties, for at least two reasons. The costs of transformation from organized group to serious political party are tremendous. This is

[15] My thanks to Walter Dean Burnham for the suggestion.

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why such transformations are so rare—city unions forming the American Labor/Liberal party in New York in the 1930s and labor, agrarian, and Progressive groups creating the Farmer/Labor party in Minnesota in the 1920s are the two strongest examples. Most new parties grow from scratch, out of some diffuse social movement. An issue-oriented group, on the other hand, forms around a relatively homogeneous interest. When it turns from lobbying to running its own candidates, it must change both its strategies and its structure. To win, it has to confront a much larger and more heterogeneous constituency, even if its goal is only a 20 percent plurality, and the group's main interest necessarily becomes seriously diluted. It is for that reason that the big PACs pick out candidates around the country who already share the interest of their group. The influence of the direct election of chief executives is just as strong a deterrent against a fifth, tenth, or nth party as it is against a third party. If we counted all the present parties that every four years offer a presidential candidate, we already have a multiparty system. But, as I observed earlier, most of these are not serious parties but are using the election to advance a particular message, either a protest against the system or a programmatic point. A new party that is truly serious about being a practical, electorally oriented party would have to organize on a much larger scale, eventually from the bottom up, and it would not be able to sustain itself unless it could offer a meaningful contest for the chief executive spot as well as for a few legislative offices. Even if there had been no legal barriers to John Anderson's National Unity party in 1984 and its candidates had been able to get on to a significant number of state ballots, it would not have become a serious third party. Perhaps, however, it can do so in 1988, if it runs a presidential candidate a second time *and* also offers candidates for a minimum number of congressional and state legislative seats. The natural barriers are high.

One more question occurs: If a serious third party formed in a few states in one section of the country and another formed in another section, we might reach a chaos of several such real parties at the national level, each with a strong local base and little incentive to bargain. What would happen then to the national system? Why, a couple of the parties might even be radical! This concern too is chimerical. First of all, several parties would simply be more closely representative of the true makeup of opinion in the United States. With W. S. Gilbert's Private Willis in *Iolanthe,*

> *I often think it's comical*
> *How nature always does contrive*
> *That every boy and every gal*
> *That's born into the world alive*
> *Is either a little Liberal*
> *Or else a little Conservative!*

Moreover, because of the special pull of the presidency there would still be the same incentive as today to combine forces, though with parties, instead of the present factions, combination would take the form of "combining lists," as in

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France—a system under which several parties run candidates for assembly, mayor, and so on in the general election and then for the run-off election two or more parties get together and make up a joint list of their surviving candidates. These party combinations would be reflected in the choices of cabinet members and other top officials after the election. The victory would tend to go to the candidate with a broad—though admittedly minority—popular base plus the skill required to put together a coalition of parties with representation in Congress.

But that is precisely the skill and the popular relationship needed in the modern presidency. It is in this sense that a system of three, or even four or five, parties is in itself the reform most needed. The change of party system would give the presidency more of a party base than it has had in the modern era. It would also give the presidency a congressional base that it hasn't had for more than a century. And it would give the president a basis in organizational continuity or management through delegation to people he can trust because he could know them and their private agendas long before the election.

Presidential Power: If Building It Up Won't Work Try Building It Down

America approaches the end of the twentieth century with an enormous bureaucratized government, a plebiscitary presidency, and apparent faith that the latter can impose on the former an accountability sufficient to meet the rigorous test of democratic theory. Anyone who really shares this faith is living under a happy state of delusion. Anyone who does not believe and argues it nevertheless is engaging in one of Plato's Noble Lies; that is to say, the leaders do not believe it but believe it is in the public interest that the rest of us believe it. Then there are others who don't believe it but would like to make it the truth by giving the president more and more help. Presidents have themselves tried nearly everything to build for themselves a true capacity to govern. Congress, with few exceptions, has cooperated. The Supreme Court, with two minor exceptions, has cooperated. The public seems willing to cooperate in making truth out of the noble lie by investing more and more power in the presidency. The intellectuals, perhaps most of all, have cooperated. If that's not enough, then it's possible nothing is enough.

Since building up the presidency has not met the problem of presidential capacity to govern, the time has come to consider building it down. Building down goes against the mentality of American capitalism, whose primary measure of success is buildups. Buildings are so important to American corporate managers that they fake them if necessary, through anything from useless mergers to misrepresentation of profits.[16] Very few leaders have tried to succeed by making a

[16] See, for example, the critique of "paper entrepreneurialism" in Robert Reich's *The Next American Frontier* (New York: Times Books, 1983), chap. 8.

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virtue of building down. There was Bismarck, who perceived greater strength in a "smaller Germany." There may be a case or two of weekly magazines whose publishers have sought to strengthen their position by abandoning the struggle for a maximum mass subscription in favor of a smaller and more select but stable readership. But most leaders, in commerce and government, are guilty of what Barry Goldwater popularized in the 1960s, "growthmanship." In many circumstances, building up is an illusory solution, or, at best, a short-term gain.

The most constructive approach to building down the presidency would be the strengthening of political parties. If party organizations returned to the center of presidential selection, they would build down the presidency by making collective responsibility a natural outcome of the selection process rather than an alien intruder. Real parties build down the presidency in constructive ways by making real cabinets possible. The present selection process and the present relationship between the president and public opinion produced the star symbol that renders a president's sharing power almost inconceivable. The selection process with parties involved makes the star system itself hard to conceive of.

A three-party system comes into the picture in at least two ways. First, if a two-party system is indeed an anachronism in modern programmatic governments, a three-party system could be the most reasonable way to make real parties possible. Second, a three-party system might build down the presidency by making it more of a parliamentary office. This development would constitute something of a return to the original intent of the Founders' design, a selection process culminating in the House of Representatives. The French improved upon their system by mixing theirs with ours to create the Fifth Republic. It is time we consider mixing ours with theirs. The Fifth Republic established a better balance than we have by successfully imposing an independently elected president upon a strong parliament, giving the parliament the leadership lacking in the Fourth Republic but keeping the popularly elected president tied closely to it.

The crying need to impose parliamentary responsibility in our independently elected president can be accomplished without formally amending the Constitution. Just as the two-party system transformed the presidential selection system and thereby the presidency, so would a three-party or multiparty system transform the presidency, by bringing Congress back into the selection process. This transformation could, in addition, give Congress incentive to confront the real problems of the presidency. Although I admit that is unlikely, the probability could be improved as more of its members came to realize that Congress's survival as an institution may depend upon depriving the presidency of its claim to represent the Great American Majority. The presidency must be turned into a more parliamentary office.

Presidents who are products of the present system are also unlikely to try to change it – unless they come to recognize its inherent pathologies. The first president to recognize these pathologies will want to build down the presidency, and his or her legacy will be profound and lasting. A president who recognizes the pathology of the plebiscitary presidency will demand changes that will ward off

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failure and encourage shared responsibility. At a minimum, a rational president would veto congressional enactments delegating powers so broad and so vague that expectations cannot be met. This step in itself would build down the presidency in a very special way: It would incorporate more of Congress into the presidency because the clearer the intentions and the criteria of performance written into a statute, the more responsibility for its outcomes would be shared by the majority in Congress responsible for its passage. Such a way of building down alone would not produce a third party, but it would make the presidency more parliamentary, and thus more accommodating to strong parties and to three parties or more. Put this way, the prospect does not seem so unrealistic. To accomplish it, the president must simply make an analysis of the situation. A president must simply change his point of view.

Institutional reform is desperately needed, but the struggle for reform must be sensitive to the probability that there are no specific and concrete solutions for the problems of the plebiscitary presidency. One of the mischievous consequences of mixing technology and democracy is *belief in solutions.*[17] Solutions are for puzzles. Big government is not a puzzle. The plebiscitary presidency is not a puzzle. Each is a source of important problems because, like all institutions, each is built on some basic contradictions. These contradictions will not go away, because they are the result of mixing highly desirable goals that don't mix well. There is, for example, a contradiction between representation and efficiency. There is a contradiction between specialization and humanization. There is a contradiction between the goal of treating everyone equally and the goal of giving special attention to individual variation. There tend to be contradictions wherever demand is intense and supply is limited. Problems in any institution are likely to grow in importance and danger whenever people lose their appreciation for the contradictions inherent in an institution and proceed to maximize one side of a contradiction at the expense of the other. For such contradictions and the problems of balance among desirable but contradictory goals, *coping* is a more realistic goal than *solving*. Successful coping comes mainly from understanding, and the chief barrier to understanding is ideology—the steadfast defense of existing practices and existing distributions of power.

On one point at least there is strong agreement between my argument and Ronald Reagan: his observation that where once government was part of the solution it is now part of the problem. Since I have been arguing the same thing at least since 1969,[18] I celebrate Reagan's recognition of the truth and regret the fact he does not actually believe it. He embraced big government and embraced,

[17] Daniel J. Boorstin, *Democracy and Its Discontents: Reflections on Everyday America* (New York: Random House, 1971), 120.

[18] "The crisis of the 1960s is at bottom a political crisis, a crisis of public authority. During the Depression, stability was regained after a spectacular but unrevoltionary turn to government. . . . But today government itself is the problem." Theodore J. Lowi, *The End of Liberalism*, 1st ed. (New York: Norton, 1969), xiii.

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nay, enlarged the plebiscitary presidency more than most of his predecessors. Why do all recent presidents and important presidential aspirants look back with such admiration to Harry Truman, a man of such ordinary character and talents? I think they do so because Truman was the last president who was made bigger by the office he occupied. This is not to say that recent presidents have made more mistakes than presidents of the past. It is to say that they have been diminished by having to achieve so much more than past presidents and by having to use so much more deception to compensate for their failures. Modern presidents blame their failures on everything but the presidency, when the fault is the presidency more than anything else. It is there that successful coping must begin, with a change of attitude toward the plebiscitary presidency that will enable presidents and presidential candidates to confront the contradictions in the modern presidency rather than by embracing the office as it is.

George Bernard Shaw put his finger on an essential point in "Don Juan in Hell," the famous interlude in *Man and Superman*:

Don Juan. Señor Commander [The Statue]: You know the way to the frontier of hell and heaven. Be good enough to direct me.

The Statue. Oh, the frontier is only the difference between two ways of looking at things. Any road will take you across if you really want to get there.

Real reform in American presidential government will not come until there is real change in the points of view of powerful people. As in psychoanalysis, so in politics, coping is a solution, and it will be found not in techniques but in awareness of the nature of the problem. Techniques will follow.

It is appropiate to end on a psychoanalytic note. And it is not inappropriate to give the last word to a famous fictional psychiatrist, who provided the very last line, freely translated, of *Portnoy's Complaint*: "And now we can begin the analysis."

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Self-Determination, Territorial Integrity, and the Falkland Islands

H. E. CHEHABI

Territorial conflicts often flare up where they are least expected. Who would have deemed it probable in early 1982 that Great Britain would send the better part of its navy to recover a faraway colony? There are almost as many conflicting territorial claims as there are borders.[1] Most of them are known only to a small circle of experts and specialists in international law until one side "runs out of patience" (the motivation being purely domestic more often than not) and the dispute is continued with weapons. Islands play a particularly important role in this respect. In the era of classical imperialism the big powers had to possess as many islands as possible, so as to control the great shipping lanes and the supply routes of their fleets.[2] It is not at all a coincidence that a very important naval battle of World War I was fought in the vicinity of the Falkland Islands.[3]

[1] For an overview see Alan J. Day, ed., *Border and Territorial Disputes* (Detroit: Gale Research, 1982).

[2] The most exhaustive study of the role of islands in international politics is still the chapter on islands in Friedrich Ratzel's classic *Politische Geographie*, (Leipzig, 1897), 466–485. See also Johann v. Leers, *Brennpunkte der Weltpolitik* (Stuttgart: Union Deutsche Verlagsgesellschaft, 1941), 60–101. For the importance of islands in the creation of the American colonial empire see Julius W. Pratt, *America's Colonial Experiment* (New York: Prentice Hall, 1950).

[3] In early December 1914 the German East Asian fleet, after having crossed the Pacific undetected, attempted to destroy the British naval base on the Falklands and was in turn completely wiped out. For a brief discussion of the parallels between the two battles see Rolf Geyer, "Kommentar zum Zeitgeschehen," *Politische Studien* 263 (May-June 1982): 225.

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With the development of global weapons systems, nuclear deterrence, and intercontinental missiles, the importance of these remote possessions diminished considerably; they often became burdens for their mother countries. The only people likely to remember them would be either philatelists or nostalgic mourners of imperial grandeur.

The end of the 1960s, however, saw a gradual change in the practice of the Law of the Sea that was to have significant consequences for islands: more and more countries established an "exclusive economic zone" of 200 sea miles around their coasts. This meant that a simple permanently emersed rock somewhere in the sea would bring to the nation that owned it total control over the resources of over 125,000 square nautical miles.[4] Overseas possessions that had almost been forgotten suddenly became attractive again, especially if there was reason to believe that their territorial waters might contain oil deposits. From now on conflicts over islands were about much more than just national honor or strategic location.

The contending territorial claims are very complex in the case of the Falkland Islands. The crux of the matter is the controversy over their first occupation. Who was there first: the Spaniards, whose rights and claims were passed on to the Argentine after its independence, or the English, whose claims go back to 1765? I will not elaborate on the claims and legal arguments.[5] It seems that Argentine claims are marginally more valid than British ones. Throughout their long history the islands have changed hands frequently, but it is an undeniable fact that in 1833 Britain wrested them from Argentina by force. This act of aggression justifies in the eyes of most Argentines the recourse to force in order to reunite the territory with Argentina. Britain counters by pointing to its 150 years of continued administration and, in the last analysis, the wishes of the inhabitants, who unequivocally favor continued close links with Britain. Thus, the situation does not lack a certain ironical twist: Britain, that old colonial power, mobilizes parts of her navy and a few old strategic bombers to do battle for the right of self-determination.

On 1 April 1982 the Argentine military regime, after public demonstrations of unprecedented scale, had demanded the return of civilian rule and invaded the Falklands, whose inhabitants had not invited them. Does the Argentine invasion, therefore, constitute a violation of the right of self-determination? In other

[4] See Derek William Bowett, *The Legal Regime of Islands in International Law* (Dobbs Ferry, N.Y.: Oceana Publications, 1979); and Clive Ralph Symmons, *The Maritime Zones of Islands in International Law* (The Hague: Martinus Nijhoff, 1979).

[5] For a discussion of the claims from a pro-English point of view see Peter Calvert, *The Falkland Crisis: The Rights and Wrongs* (London: Frances Pinter, 1982). A sophisticated defense of the Argentine position can be found in Julius Goebl, Jr., *The Struggle for the Falkland Islands. A Study in Legal and Diplomatic History* (New Haven, Conn.: Yale University Press, 1927). For an impartial view see Hermann Weber, *Falkland Inseln oder Malvinas? Der Status der Falkland-Inseln im Streit zwischen Grossbritannien und Argentinien—eine völkerrechtliche Untersuchung* (Frankfurt am Main: Metzner, 1977).

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words, can one unequivocally contend that the Argentine invasion was an act of aggression?

The Argentine position is that this rule does not apply to the Kelpers, as the inhabitants of the Falklands call themselves. The right to self-determination is enshrined in two UN resolutions, both passed in 1960. Resolution 1514 states the general principle, while resolution 1541 provides concrete details. The latter foresaw three possible ways for a people's self-determination to be implemented: independence, association with another country, or simple integration into an existing state. Both resolutions were in large part the work of representatives of newly independent nations; it did not occur to them that under particular circumstances a dependent territory's population might opt for the continuation of the colonial status quo.[6] Although little studied or understood, there are even precedents for an independent country preferring a colonial status over national sovereignty: in 1861 the Dominican Republic, after a long period of civil strife, voluntarily relinquished her independence and placed herself under Spanish sovereignty that lasted till 1865; in 1933 Newfoundland found the cost of dominion status too burdensome and requested to become a British colony again.

Given the strong anticolonialist sentiment that pervades world public opinion, it is not surprising that the Falkland Islands are not the only place that professional anticolonialists want to have self-determination against the wishes of the people. In the case of Puerto Rico, Latin American nations led by Cuba have constantly pushed for independence, although this path has the support of only about 10 percent of the island's electorate. Gibraltar and the Spanish cities on the North African coast are also cases in point.

In the case of the Falklands, the Argentines deny that the Kelpers constitute a "people." Three arguments are used: their number, roughly 1,800, is too small. International practice shows, however, that population size is no longer a relevant criterion. Before World War II the League of Nations could still refuse to admit Liechtenstein because of its small size; today the smallest member of the United Nations, St. Christopher-Nevis, has about 70,000 inhabitants. If one disregards such special entities as the Holy See and the Order of the Knights of Malta, the least populated sovereign state in the world is the Republic of Nauru, in the Pacific, which has a population of 5,000. Britain at one point promised independence to the South Pacific island of Pitcairn, home to about fifty descendants of the H.M.S. *Bounty* mutineers. In 1964 none other than a Soviet delegate proclaimed that the right to self-determination has nothing to do with any order of magnitude.[7]

Second, the Kelpers are an artificially settled people who lack roots. In the

[6] For a discussion of how this anticolonial bias caused "people" to be interpreted narrowly as "inhabitants of a colony" and "self-determination" as "independence," see J.-F. Guilhaudis, *Le droit des peuples à disposer d'eux-mêmes* (Grenoble: Presses Universitaires de Grenobles, 1976), 67–87.

[7] For a discussion of the problematic role of microstates in the international order see Stanley A. de Smith, *Microstates and Micronesia* (New York: New York University Press, 1970), 7–107.

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case of Gibraltar, such a thesis has a certain degree of credibility. Applied to the Falklands, however, it is not convincing. The islands had no native inhabitants, and Argentines themselves are transplanted Europeans, a sizable portion of whom descend from immigrants who came to the New World long after the ancestors of the Falkland Islanders. It should be clear that it is neither legally, nor politically, nor morally acceptable to discriminate against a population on account of "sins" committed by its forefathers.

The third argument has to be taken more seriously. Article 6 of UN resolution 1514 says that the right of peoples to self-determination must not be a pretext for separatists who want to secede from an existing state. By and large former colonies have been able to ward off secessionist movements. Azerbaijan and Kurdistan, Katanga and Biafra, Eritrea and Southern Sudan, Nagaland and Bougainville: the list of failures is quite long. It is by no means a fortuitous detail that the sole exception, Bangladesh, is an area that was physically separated from the rest of the country, Pakistan, and situated almost a thousand miles away from it.

As far as this apparent contradiction between self-determination and the principle of territorial integrity is concerned, the central question, therefore, becomes: what is the smallest territorial unit to which the right of self-determination can be applied? This problem gained considerable topicality in 1975 when the French government held a referendum in the Comoro Islands to determine the future status of the then "Territoire d'Outremer." While independence won on the islands of Grande Comore, Anjouan, and Moheli, the population of the second most important island, Mayotte, voted overwhelmingly to remain with France.[8] France respected the choice of the "Mahorais," as the inhabitants of Mayotte are called, in the name of the right of self-determination.[9] The rest of the Comoros, the UN, and the Organization of African Unity, predictably enough, have not stopped calling for the integration of Mayotte into what is now the Federal Islamic Republic of the Comoro Islands.[10] The United States faced

[8] The phenomenon of an archipelago's second island endeavoring to go its own way from fear of "Big Island Hegemony" is neither surprising nor unique. In the Dutch West Indies, Aruba in 1977 voted for independence. In the Canaries, an old rivalry exists between Tenerife and Gran Canaria. See for instance, Marcos Guimera Peraza, *La capitalidad y la división en Canarias* (Santa Cruz de Tenerife: Aula de Cultura de Tenerife, 1966.) Similar tendencies can be observed in the Balearic Islands. See Josep M. Quintana, *Els Menorquins i l'autonomia* (Palma de Mallorca: Editorial Moll, 1977).

[9] The objection that France held on to Mayotte because of the island's great strategic value does not seem valid. First, France has other excellent bases in the Indian Ocean, namely Reunion and the islands in the Straits of Mozambique, and second, the French government did seem to be considerably embarrassed by the vote on Mayotte: it decided not to integrate the island into metropolitan France as a "département d'outremer," contrary to the wishes of the local population as expressed in a second referendum. Mayotte is now a *sui generis* "collectivité territoriale." This is to facilitate any future integration into the Comoro Islands.

[10] On the problem of Mayotte, see Thierry Flobert, "Histoire et actualité du mouvement mahorais," *Revue française d'études politiques africaines* 121 (January 1976): 70–90; and also Jean Charpentier, "Référendums mahorais," ibid. 126 (June 1976): 96–118.

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a similar problem when it set out to reorganize the government of the U.S. Trust Territories in the Pacific. Four different political entities resulted, one endowed with a federal structure.[11] The upshot of all this is that, as King Utopos in Thomas More's *Utopia* suspected when he had a channel dug to separate his kingdom from the mainland, *physical separation, of which insularity is the perfect avatar, creates favorable preconditions for separate political development.* This is, of course, also true for the Falkland Islands and somewhat weakens (albeit not *legally*) the Argentine claim—even if we accept that the archipelago originally constituted Argentine territory.[12]

A second consequence of conflict over an island is that it makes territorial compromise solutions more difficult. In a continental border conflict the disputed area can be divided. Islands, however, are territorial units in and of themselves. This means, on the one hand, that they cannot easily be carved up, and on the other hand, that they gain symbolic value for the opposing "national prides." And symbols cannot be divided.

Lest it be thought that Britain consistently respects its smaller possessions' right of self-determination, let us remind ourselves that some ten years ago the approximately 2,000 inhabitants of Diego Garcia island in the Indian Ocean Chagos Archipelago were uprooted by force and resettled 2,000 miles away on Mauritius to make place for an American air base;[13] the islands of Rodriguez[14] and Barbuda[15] were forced, against the will of their elected representatives, to be part of newly independent Mauritius and Antigua, respectively. If successive British governments had given top priority to the interests of the populations of Britain's smaller possessions, they might have transformed these territories, *mutatis mutandis* following the French example, into what might have been called "overseas counties" of the United Kingdom, a course of action I proposed for the Falklands in 1978.[16] Dependencies like the Falklands, St. Helena, and

[11] For discussions of the interinsular tensions in the Pacific Trust Territories see Stanley A. de Smith, *Microstates and Micronesia*, 107–189; Donald McHenry, *Trust Betrayed* (New York: Carnegie Endowment for International Peace, 1975); and Lewis M. Alexander, "Center and Periphery: the Case of Island Systems," in Jean Gottmann, ed., *Center and Periphery. Spatial Variation in Politics* (Beverly Hills, Calif.: Sage Publications, 1980). The four entities that resulted are the Commonwealth of the Northern Marianas, the Federated States of Micronesia, the Republic of Belau (Palau), and the Marshall Islands.

[12] One illustration of this point is the petition recently addressed to the Spanish government by some inhabitants of Ceuta in which they asked for their enclave to be given the status of an island. Cf. *ABC*, 2 March 1983, 3.

[13] The plight of the "Ilois" is well described in John Madeley, "Diego Garcia: An Indian Ocean Storm-Centre," *Round Table* 283 (July 1981). See also Jooneed Khan, "Diego Garcia: The Militarization of an Indian Ocean Island," in Robin Cohen, ed., *African Islands and Enclaves* (Beverly Hills, Calif.: Sage Publications, 1983), 165–193.

[14] Charles Cadoux, "A l'écoute de l'île Rodrigues," in *Annuaire des pays de l'océan indien, 1977* (Aix-en-Provence: Presses universitaires d'Aix-Marseille, 1979).

[15] Insular separatisms in the Caribbean and the case of Barbuda in particular are discussed in David Lowenthal and Colin G. Clarke, "Island Orphans: Barbuda and the Rest," *Journal of Commonwealth and Comparative Politics*, 28 (November 1980).

[16] *The Economist*, 28 January 1978, 8.

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Gibraltar would have gained their own representatives at Westminster, their inhabitants would have received the same rights as citizens of the United Kingdom, and legally speaking, an end would have been put to colonialism.[17] Alternatively, and staying within a British frame of reference, the islands could have been given a status analogous to that of the Channel Islands or the Isle of Man.

Instead, policy makers in London seem to have tried to make the problems of these small territories disappear by neglecting them altogether.[18] Although the Falkland Islands had a negative unemployment rate, and despite the fact that there were a few hundred candidates for emigration in England, little was done for the development of the colony. As the Falkland Islands Company continued repatriating very handsome profits to Britain, the islands' economy stagnated and their population steadily diminished.[19] Successive British governments let the colony's infrastructure deteriorate so as to habituate the population to the idea that they were dependent on Argentina, which became gradually more active in supplying essential services to the islanders. This negligence went so far that when in 1976 Argentine scientists occupied the island of South Thule in the South Sandwich Islands, a dependency of the Falklands, the Labour government then in power in Britain did not tell Parliament about the incident. In January 1982, London announced that it would withdraw H.M.S. *Endurance* from the archipelago, despite warnings that this act might be interpreted as a weakening of Britain's commitment to the Kelpers.[20]

This same policy of deliberate neglect also seems to have been pursued by Spain in regard to the two North African cities of Ceuta and Melilla. Here too there is almost no investment, and the Spanish population of the two *presidios* shrinks from year to year.[21] As the local Spaniards leave for peninsular Spain in search of better job opportunities, the proportion of Moroccans in the two cities' population will increase. The Spanish government knows that if it recovers Gibraltar one day, it will not be able to hold on to the *presidios*. It is hoped that by then the ethnic make-up of the two cities' population will be so much in favor of the Moroccans that the territories can revert to Morocco "by the will of the inhabitants."[22]

[17] Such a course of action has only been attempted once. In 1956 the inhabitants of Malta were offered full integration into the United Kingdom, with three members of parliament at Westminster. A referendum was held in which a clear majority of voters approved the plan. The abstention rate was such, however, that the scheme was eventually dropped. See Dennis Austin, *Malta and the End of Empire* (London: Frank Cass & Co. Ltd., 1971).

[18] Although, to be fair, as early as 1958, before the second wave of British decolonization was started in earnest, some people took cognizance of the specific problems of the small dependencies. See Sir Hilary Blood, *The Smaller Territories* (London: Conservative Political Centre, 1958).

[19] See *Newsweek*, 3 May 1982, 68.

[20] See for instance Admiral Sir Edmund Irving, "Does withdrawal of *Endurance* signal a Falkland Islands desertion?" *Geographical Magazine* 54 (January 1982): 3-4.

[21] For a discussion of the situation of these cities from a Spanish point of view, see Antonio Troncoso de Castro, *Ceuta y Melilla—20 Siglos de España* (Madrid: Vassallo de Mumbert, 1981).

[22] Given the state of Morocco's economy, one could of course ask whether the Moroccan inhabitants of Ceuta and Melilla would really prefer integration into Morocco over the jobs provided by the Spanish presence. But chances are that they will not be asked anyway.

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One last argument in favor of the Falklands' annexation to Argentina is that of territorial propinquity. To the layman this argument is not devoid of a certain attraction: since the islands are so much closer to Argentina than to Britain, it would "make more sense" if they belonged to the former. However, geographic circumstances alone do not create any legal basis, otherwise, to name but a few examples, the Channel Islands would have to revert to France, St. Pierre et Miquelon to Canada, the Dodecanese to Turkey, Bornholm to Sweden, and the Canary Islands to Morocco. This argument is even less convincing when it is applied to the Falkland Islands Dependencies. South Georgia and the South Sandwich Islands lie so far away from Argentine coasts that if one were to accept Argentine claims based on geographic proximity, no island of the world would be safe from the designs of the nearest continental power. Moreover, Argentina herself only started claiming all these archipelagoes in 1937, twenty-nine years after a continuous British administration had been established on them.[23]

After this discussion of the occasional incompatibilities between the principle of self-determination and that of territorial integrity it seems that a lasting solution to the conflict can only be achieved by political means. It is highly doubtful that future English governments will accept the cost of the "Fortress Falklands" option indefinitely. The islands are so remote that in the long run it is in the Kelpers' own interest to entertain normal relations with Argentina, which would be, after all, their most logical supply source. If policy makers in Buenos Aires are still of the opinion that to this end the Kelpers have to become Argentines, the first step is to make Argentine citizenship a more alluring prospect. It has been suggested that the Falklands become an autonomous region[24] of the Argentine republic, rather like the Finnish Aland Islands, whose Swedish-speaking inhabitants enjoy a very generous measure of autonomy. Autonomy works more easily in the case of islands,[25] and if Argentina were a politically stable nation, it might indeed be possible to persuade the Kelpers that such an arrangement would safeguard their interests.[26] In its recent history, Argentina unfortunately seems to be locked in a cycle of unpopular military regimes leading to unstable democracies leading to military coups, a situation which makes the real value of any constitutional guarantees the Falklanders might receive very relative. Because Argentina's early history was marked by long conflicts between federalists and centralists, many Argentines are deeply suspicious of suggestions of regional autonomy, fearing that it might lead to centrifugal tendencies elsewhere in the country. It is only natural that a prolonged period of stable democracy in Argentina is a *sine qua non* precondition for any popularly acceptable transfer of the islands to Argentine sovereignty. After all, before 1833, when the islands were (re)occupied by England, the Argentines had established a penal colony on the

[23] Hermann Weber, *Falkland Inseln oder Malvinas?* 34–36.

[24] W. Michael Reisman: "The First Casualty," *The Nation*, 15 May 1982, 578–579.

[25] In Europe, for example, almost all major islands enjoy a certain degree of autonomy. See H. E. Chehabi, "Insularité et particularisme," *Esprit* 62 (February 1982): 215–217.

[26] In early 1981 Argentina did make an offer to guarantee the islanders' distinctiveness if they consented to Argentine sovereignty. See *The Times* (London), 3 March 1981, 6.

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islands, a purpose, incidentally, which they also serve in Aldous Huxley's *Brave New World*.

Given the extent and the domestic repercussions of the Argentine defeat in the recent war, one might be tempted to underestimate the future importance of the Malvinas as a symbol of Argentina's national honor. The anglophilia of parts of its traditional elite notwithstanding, Argentina forged its national identity and self-understanding largely in opposition to Britain, which on many occasions in the nineteenth century attempted to add the country to its sphere of influence. This historical legacy, of which the Falklands are an enduring feature, played such an important part in the pro-Axis sympathies of large sectors of Argentine society that in 1940 an exasperated Jorge Luis Borges wrote that he failed to see what a "more or less antarctic archipelago" had to do with Germany.[27] Given the symbolic value of the Malvinas to the Argentines, when the right moment comes, the incorporation of the islands might confer a great degree of legitimacy to any democratic regime that brings about what the military so dismally failed to deliver. Unfortunately, it would seem that the inevitably unpleasant side effects of the war have rendered such an amicable arrangement quite unlikely for the near future.

Since more relics of the colonial era exist, where might one expect similar conflicts to the Falkland Islands to occur? Hong Kong and Macao are of great economic benefit to the People's Republic of China as capitalist enclaves. Since neither Britain nor Portugal is likely to risk an armed conflict with China, both colonial powers have come to agreements with China. In both cases this was done without consulting local inhabitants.

The situation is different in regard to the enclaves in the western Mediterranean. The occupation of the Malvinas by a Spanish-American nation elicited considerable sympathy in the *Madre Patria*, Spain, where all political parties are united on the issue of Spanish claims to Gibraltar. The remarkable thing about this is that this same Spain has refused for more than a century and a half to hand back to Portugal the city of Olivença, which it pledged to do in article 105 of the final Treaty of the Congress of Vienna in 1815.[28]

If the throne of Morocco's King Hassan were seriously endangered at some point in the not too distant future, it is possible that he would resort to the old trick of uniting the nation behind him by ordering an invasion of Ceuta, Melilla, and the three "plazas menores."[29] It would then be difficult for any Spanish

[27] See essay by Jorge Luis Borges, "Portrait of a Germanophile," an English translation of which can be found in Emir Rodriguez Monegal and Alastair Reid, eds., *A Borges Anthology* (New York: E. P. Dutton, 1981).

[28] The cause of Oliventine irredentism has most recently been espoused by ex-Prime Minister Admiral Pinheiro de Azevedo, without much success, it would seem. See *Cambio 16*, 558 (9 August 1982): 27–29.

[29] These consist of two rocks, Peñón de Vélez and Peñón de Alhucemas, and the Chafarinas archipelago. Their combined surface is less than one square mile and their total population less than 300.

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government not to rush to the defense of these territories, some of which have been in Iberian hands since well before the fall of Granada in 1492.[30]

The area around Walfis Bay in Namibia could also easily become the object of an armed conflict. Legally it has always belonged to the Cape Province of South Africa, but for the sake of practicality South Africa administered it as part of South-West Africa until 1977. The South Africans have announced that after Namibia's independence they reserve for themselves the right to retain the exclave, while the Southwest African Peoples Organization (SWAPO), the Namibian liberation movement, claims the area as part of Namibia.[31]

Finally, mention should be made of the French islands in the Mozambique Channel. Madagascar claims the islands of Bassas da India, Europa, Juan da Nova, and the Iles Glorieuses.[32] The French have already fortified the islands, built a runway, and stationed a few troops for their defense. All these islands are uninhabited and their total surface does not exceed twenty square miles. A fifth island, Tromelin, is claimed by Mauritius. The recovery of this island from France and that of Diego Garcia from England figures prominently on the agenda of the recently elected leftist government of Mauritius. Given the ideological affinity of the governments in Port Louis and Paris, and the hopes for financial assistance which this coincidence engenders, it is not to be expected that the Mauritians will press the issue. However, France's position is made awkward by the fact that none of these islands belongs to an overseas department and, therefore, they constitute classic colonies.[33] It is not far fetched to assume that the existence of these potential trouble spots explains the unequivocal moral support that Paris gave to London during the Falkland crisis.[34]

Similar motivations also explain the nuances in the reactions of South and Central American states to the Falkland conflict. Here, the old rule, whereby countries that do not share a common border tend to end up on the same side, holds almost perfectly, affirmations of Latin solidarity notwithstanding. Chile, long involved in a territorial conflict with Argentina over the islands of Nueva, Picton, and Lennox,[35] discreetly facilitated the British war effort. Peru and

[30] In February 1983, after some reports claimed that the death of General Dlimi, Morocco's highest ranking military man, may have been linked to an attempted coup against King Hassan, the Moroccan government again brought up the issue of the *presidios*. Spain's socialist government, eager to convince the Spanish military of its patriotism, announced that it would properly defend the territories. See *Le Monde*, 12 and 24 February 1983.

[31] Gabriele Venzky: "Ärger um die Walfischbucht," *Die Zeit*, 8 August 1978.

[32] André Oraison, "A propos du différent franco-malgache sur les îles éparses du Canal de Mozambique," *Revue Generale de Droit International Public* 85 (1981): 465–506.

[33] See A. Oraison and F. Moclo, "Les îles Tromelin, Glorieuses, Juan da Nova, Europa et Bassas da India," *Penant* 84 (Jan.–March 1974): 136–170.

[34] Witness the curious article entitled "Les Malouines de l'Atlantique Nord?" by Marc Plantagenest, deputy of St. Pierre et Miquelon in the French National Assembly, in which the French government is urged to see to it that Canada not take unfriendly measures vis-à-vis the islands. *Le Monde*, 20 April 1982.

[35] In 1978 war between the two nations was averted *in extremis* by Vatican diplomacy. Thanks to papal mediators a satisfactory solution to the problem was negotiated by the two countries in 1984.

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Bolivia, where the memory of the defeat by Chile in the War of the Pacific a century ago (in which Peru lost its southern provinces and Bolivia its access to the sea) is still kept alive, strongly supported the Argentines. Rumor had it that Peru even contributed Mirage aircraft. Colombia, to which Peru lost the Amazonian outpost of Leticia in the 1930s, gave only lukewarm support to Argentina. This is mainly for two reasons: on one side Colombia is embroiled with neighboring Venezuela in a dispute over the partition of the territorial waters in the Gulf of Maracaibo and the adjacent Islas Monjes, and on the other side the new Sandinista authorities in Managua have recently reactivated an old Nicaraguan claim over the Colombian San Andrés and Providencia archipelagoes, which have lain within the territorial waters of Nicaragua ever since the Sandinistas extended these to 200 miles. Revolutionary Nicaragua did support the Argentine generals in their Falklands campaign, but of course the main reason was that the Nicaraguan government sought the withdrawal of a major Argentine presence from among the *contras*, a goal it achieved. Guatemala does not border on Nicaragua, but the reason for her strong support for Argentina has to be sought elsewhere, namely in the long lasting conflict between that country and England over Belize, whose recent independence has not affected Guatemalan claims over at least part of its territory. If the Commonwealth countries in the Caribbean stood by their old colonial metropolis, cultural affinities may indeed have been a factor, as was perhaps the feeling of empathy created in the island states by the spectacle of other islanders' vulnerability. The main motivation, however, was solidarity with Belize and Guyana, the two continental members of the Commonwealth. Guyana faces Venezuelan claims over two-thirds of her territory, the Essequibo region. Closing the circle, Venezuela, whose territorial claims clash with those of both Guyana and Colombia, ended up a strong supporter of Argentina, despite all the distaste that the Argentine military regime may have inspired in Venezuela, a country that prides itself on its democracy.[36]

The historic movement of decolonization has entered its last phase. With the exception of Namibia, there are no large colonies left on earth. With few exceptions, the larger colonies could be released into independent statehood without great difficulty. In the case of the remaining dependent territories, however, this option would be absurd, because the situation of these "confetti of empire," as they have been aptly called,[37] differs so radically from that of the bigger colonies. Where the future of such territories is a matter of dispute between two countries, the most just and satisfying solutions could be expected from the In-

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For the historical background to this problem see Carlos Escudé, "La controversia del Beagle: Un caso de nacionalismo antinacional," *La Argentina: Paria Internacional?* (Buenos Aires: Editorial de Belgrano, 1984), 135–165.

[36] A good overview of territorial conflicts in the Americas can be found in Jean Claude Buhrer, "Nationalismes et litiges territoriaux," *Le Monde Diplomatique* 339 (June 1982).

[37] See J.-C. Guillebaud, *Les confetti de l'empire* (Paris: Plon, 1976). This is a somewhat polemical study of French overseas territories.

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ternational Court of Justice in the Hague. The court may only rule, however, if the concerned parties agree on this procedure. Such an agreement presupposes on the part of all a large dose of goodwill. And that is a rare commodity indeed.*

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Congress and the Defense Budget: Enhancing Policy Oversight

ROBERT J. ART

The purpose of this article is to determine how the Congress of the last decade has dealt with one policy area—the defense budget. In my subsequent analysis, I shall stress that powerful political forces have continued to push Congress into ever greater financial and programmatic oversight of defense spending at the expense of policy oversight.[1] Congress continues, that is, to look mostly at the details of defense spending but rarely at the big picture.

Financial and programmatic oversight deal, respectively, with the efficiency with which funds are being spent and with how effectively particular programs are being managed. Policy oversight deals with the larger questions of whether particular programs are needed, how they serve the specific missions the Pentagon has delineated, and whether those missions and the strategies that they in turn serve are sensible. Both financial and programmatic oversight focus on the

[1] My analysis of the congressional treatment of the defense budget from 1975–1984 relies primarily on over 100 interviews that I conducted with congressional staff and to whom I promised confidentiality. To avoid numerous footnotes, I cite an interview source (by committee or personal staff) only when directly quoting someone. Thus, all assertions about the manner in which Congress deals with the defense budget are supported by at least three interviews. These were conducted with staff members of the Defense Subcommittees of the House and Senate Appropriations Committees, the House and Senate Armed Services Committees, the House and Senate Budget Committees, personal staff of representatives and senators who handle foreign, defense, and budget issues, other selected staff, and relevant individuals from the Congressional Budget Office. These interviews began in the summer of 1979 and were concluded in the spring of 1984. They lasted anywhere from 30 to 120 minutes and were open ended.

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individual building blocks of the defense budget; policy oversight, on how all the blocks fit together. In my judgment the congressional treatment of defense has suffered from so great a preoccupation with next year's budget that it has tended to crowd out consideration of the more basic questions and the longer term perspective.

None of this should surprise us, however, because "money is policy" and annual budgeting is a powerful congressional tool for closely controlling executive action. Annual budgeting, when combined with the more activist, skeptical, aggressive, and better-staffed Congress of the 1970s and 1980s—the "new" Congress, that is—has produced the world's most potent legislature. Both annual budgeting and the attributes of the new Congress are products of powerful political forces outside of the Congress.

If, however, the exercise of annual budgeting has tended to crowd out policy oversight, what can be done to restore it? In order to answer this question, in turn I shall look at how Congress deals with the defense budget and then prescribe a set of reforms that could offer some promise of restoring a better balance among the financial, programmatic, and policy oversight functions of Congress.

Attributes of the "New" Congress

There are three broad attributes of how Congress currently deals with the defense budget. First, in both the House and the Senate, the Armed Services and Defense Appropriations Subcommittees overlap heavily in their functions, but remain fairly uncoordinated in their actions. The Defense Appropriations Subcommittees are doing more legislating; the Armed Services Committees are doing more "budgeteering." Both continue to operate autonomously. This raises the question of whether the original rationales of specialization of function and division of labor through separate authorizing and appropriating committees still make sense for defense. Second, the financial and programmatic reviews of the annual budget by both committee actors have become voluminous and detailed. Well over 60 percent of Pentagon line item requests are changed by each chamber. This raises the question of whether "micromanagement" has set in, whether Congress is now trying to "micromanage" rather than oversee the Pentagon, when it is not institutionally equipped for management. Third, although Congress is now engaged in both financial and programmatic oversight, its conduct of more general policy oversight, according to the testimony of some significant congressional actors, remains tenuous, debatable, and highly dependent upon the initiatives of a few individuals. This raises the question of whether general defense policy oversight can be systematically built into the congressional budgetary process.

Redundancy among Committees. The redundancy between the Armed Services Committees and the Appropriations Defense Subcommittees came about largely because in 1960 the Armed Services Committees began to apply the tech-

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nique of annual authorizations to the procurement part of the defense budget and because, once started on that road, they continued to expand its application to the other titles of the defense budget. Originally, annual authorizations had come about both because of the rivalry between Armed Services and Appropriations for control over the defense budget and because of the desire of the former to exert a more direct influence over the Defense Department. Intercommittee rivalry and control over the Pentagon were the two political imperatives that drove the Armed Services Committees into ever more detailed reviews of the annual budget and away from what had been their pattern from 1945–1960, namely, a rather general look at the nation's defense policies through annual posture hearings.[2] It has been through the use of annual authorizations that the Armed Services Committees became heavily immersed in the details of the yearly budget and thus began to experience the overlap in function with the Defense Subcommittees. Exhibit 1 details the growth of annual authorizations since 1960.

The reasons why Congress extended annual authorizations to the Operations and Maintenance (O&M) and Other Procurement accounts in 1982 and 1983, respectively, tell us much about the current competition between the Armed Services and Defense Subcommittees and about why the former have become budgeteers. Traditionally, the Defense Subcommittees of the Appropriations Committees had carefully scrutinized the O&M account, while the Armed Services Committees had largely ignored it. But a combination of factors in the early 1980s pushed the House Armed Services Committee to argue for extension of annual authorizations to this area too. Its Senate counterpart went along, though reluctantly.

There were four factors at work. First, in the last few years, House Armed Services had become sensitized to the fact that the O&M and Other Procurement accounts involved items that affected both the readiness of the forces to go to war and their sustainability once in war. If the Defense Subcommittees continued to have a free hand in these accounts, then it would be they, not Armed Services, that would determine the state of readiness of the forces. Second was the calculation that "we might as well do this and finally extend our review to the entire budget." Third was the committee's calculation that, faced with large deficits and with the large investments in new weapons under the Reagan defense program, the House Defense Subcommittee, because it was under pressure to cut

[2] The best treatments of the advent of annual authorizations by the Armed Services Committees are: Edward A. Kolodziej, *The Uncommon Defense and Congress, 1945–1963* (Columbus: Ohio State University Press, 1966), 364–382; Raymond H. Dawson, "Innovation and Intervention in Defense Policy," in Robert L. Peabody and Nelson W. Polsby, eds., *New Perspectives on the House of Representatives* (Chicago: Rand McNally, 1963), 273–304; Bernard K. Gordon, "The Military Budget: Congressional Phase," *Journal of Politics*, 23 (November 1961): 689–724; and Herbert W. Stephens, "The Role of the Legislative Committees in the Appropriations Process: A Study Focused on the Armed Services Committees," *Western Political Quarterly*, 24 (March 1971): 146–162.

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EXHIBIT 1

Growth in the Scope of Annual Authorization of the Defense Budget

1959	Authorization required for the procurement of aircraft, missiles, and naval vessels.
1962	Authorization required for all research development, testing, or evaluation of aircraft, missiles, and naval vessels.
1963	Authorization required for all research, development, testing, or evaluation carried on by the Department of Defense.
1965	Authorization required for the procurement of tracked combat vehicles.
1967	Authorization required for personnel strengths of each of the Reserve components as a prior condition for the appropriation of funds for the pay and allowances for the Reserve components.
1969	Authorization required for the procurement of other weapons to, or for the use of, any armed force of the United States. (Essentially this covers heavy, medium, and light artillery; anti-aircraft artillery; rifles, machine guns; mortars; small arms weapons; and any crew-fired piece using fixed ammunition.)
1970	Authorization required for the procurement of torpedoes and related support equipment.
1970	Authorization required for the average annual active duty personnel strength (termed "end strengths") for each component of the Armed Forces.
1982	Authorization required for the Operations and Maintenance Account.
1983	Authorization required for Other Procurement (includes items such as trucks and electronic gear, that affect the readiness of the forces).

Sources: J. Ronald Fox, *Arming America: How the U.S. Buys Weapons* (Graduate School of Business Administration, Harvard University, 1974), 122; Interviews.

the President's defense request to help reduce the deficit, would naturally concentrate its cuts in an area over which it had an almost exclusive purview, namely, O&M. Unlike O&M, the other accounts were "protected" by Armed Services in the sense that specific items and dollar figures were authorized. Attacking the O&M account, where Armed Services had taken no action, was politically easier than attacking the other accounts where it had, although the latter was also done. Fourth, finally, was the fact that, unlike the other accounts, cuts in the O&M appropriations account produce a nearly equal cut in outlays. Monies that are legally obligated for spending (what is called budget authority or appropriations) are not necessarily spent during the year for which they have been appropriated. Outlays are the monies that are actually spent by the government in a given year. Personnel and O&M are the two defense accounts for which the gap between appropriations and outlays is the smallest. That is, for a given fiscal year, nearly all the O&M funds that are appropriated are actually spent. Because it is outlays, not appropriations, that determine the size of the deficit in any given fiscal year, Congress recently has scrutinized carefully those items that can produce large savings in outlays. Hence, cuts in O&M, compared to those in the

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other defense accounts, would yield the greatest savings for purposes of deficit reduction.[3]

Taken together, these factors—intense pressures to cut because of high deficits, the tried and true budget cutting technique of axing where you can easily ax, and the fear of House Armed Services that the O&M account, being unprotected, would bear more than its fair share of cuts—suggest the strategic reason for extension of annual authorization to the two remaining accounts: namely, "defensive protection by preemption." And what explains the extension of annual authorizations to these two accounts also explains why the Armed Services Committees have included more items for review in each of the other defense accounts. What better way for the committees to try to protect the entire defense budget from Appropriations's cuts than to justify in greater detail each of its parts? What better way for the Armed Services Committees to protect readiness than to intrude into that area and attempt to create floors below which the Defense Subcommittees could not go?

A key staff member of House Armed Services, who helped push for annual authorizations of these two accounts, summarized the rationales well:

> In 1980–81, we deliberately went for annual authorization of O&M. Stennis [then chair of Senate Armed Services] said we have too much annual authorizations and not enough time for broad policy and did not favor the move. But we realized that when you come to the end of the year, O&M is the 'billpayer.' Appropriations has to cut to hit the budget outlay number and they do it with O&M. There are natural lobbyists for procurement and R&D, but no one was lobbying for readiness. Our theory was that since there was no consituency for readiness, we would create our own. Hence we set up the readiness subcommittee [of House Armed Services]. That tactic works in the House because a member has only one major committee, and he will develop the subcommittee he sits on as his constituency and speak for it. We decided later that we needed to authorize annually Other Procurement, which includes non-combat items like trucks and electronic gear. We realized that it was not just O&M that affected readiness, but a whole lot of other items that we were not dealing with.

Thus, in their quest for power vis-à-vis the Defense Subcommittees and in their search for control over the Pentagon, the two authorizing committees have become more akin to their Defense Subcommittee rivals. Competition for control has, in short, had a homogenizing effect. The Armed Services Committees are acting more and more like an appropriations committee.

Detailed Scrutiny and Action. The current level of detailed scrutiny and action on the defense budget is a product of the larger political forces that produced the new Congress of the last fifteen years. Detailed congressional changes to the defense titles began in the early 1960s and have continued ever since. The advent of annual authorizations was probably the single most important factor

[3] Cuts in the personnel account are hard to effect. The Armed Services Committees set both the rates of pay for various grades and the size of the forces. These two largely determine the appropriations for personnel.

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TABLE 1

Number of Pages in Appropriation Committees' Reports on DoD Budget

Fiscal Year	*House*	*Senate*	*Total*
1960	83	31	114
1961	74	47	126
1964	70	69	129
1965	51	52	103
1968	67	71	138
1969	68	56	124
1970	102	141	243
1971	119	221	340
1972	139	210	349
1973	256	204	460
1974	239	173	412
1975	171	207	378
1976	358	302	660
1977	226	277	503
1978	387	295	682
1979	446	217	663
1980	493	219	712
1981	398	227	625
1982	315	137	452
1983	259	157	416
1984	298	205	503

Sources: For fiscal years 1972–78, Robert L. Bledsoe, "Congress and the Defense Budget: Portent of Change?" (Paper prepared for delivery at the Annual Meeting of the American Political Science Association, 1978), Appendix B; for the other fiscal years, the House and Senate Appropriations Committees' Report on DoD Appropriations.

in producing more detailed and voluminous reviews by both committee actors. The institution of annual authorization and its gradual expansion in scope clearly pushed the Armed Services Committees into a closer scrutiny of the budget. And once they did so, the Defense Subcommittees were required to follow suit and take action on the larger number of line items on which the authorizing committees themselves had taken action. In the 1970s, both disillusionment with the "imperial presidency" and the antidefense mood of the country after Vietnam pushed Congress into evermore detailed scrutiny. In the 1970s, moreover, the single most important factor in enabling the Congress to engage in more detailed action on the defense budget was the expansion in the staff capability of the two defense committees. In the Senate and House, respectively, the size of staff for the Appropriations Committees grew from 23 and 35 in 1947 to 72 and 84 in 1975. Comparable figures for the Armed Services Committees are from 10 and 10 in 1947 to 30 and 28 in 1975.[4] The growth in staff reflected the coming of age of a more assertive and active Congress.

[4] See Harrison W. Fox, Jr. and Susan Webb Hammond, *Congressional Staffs: The Invisible Force in American Lawmaking* (New York: The Free Press, 1977), 169.

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TABLE 2

Number of Pages in Armed Services Committees Reports on DoD Authorizations (major reports only)

Fiscal Year	*House*	*Senate*	*Total*
1965	63	17	80
1969	91	31	122
1970	176	70	246
1971	95	121	216
1972	107	140	247
1973	115	177	292
1974	150	205	355
1975	132	190	322
1976	185	191	376
1977	169	204	373
1978	160	163	323
1979	163	158	321
1980	186	166	352
1981	171	242	413
1982	228	197	425
1983	233	222	455
1984	332	526	858

Source: Armed Services Committees Yearly Reports on The DoD Authorizations Bills.

There is quantitative evidence to support the judgment that the defense committees have engaged in increasingly detailed scrutiny of the budget. Tables 1 and 2 illustrate in one fashion the impact of more detailed annual reviews. With a few years of the 1960s for a benchmark, these two tables record by year the total number of pages in their reports on the authorizing and spending bills that Armed Services and Apropriations recommended to their chambers. Although counting the pages of these reports may seem a trivial exercise, it is not, for each table measures the change over time in committee activity; and both show a dramatic increase from the 1960s.

These reports have increased in size because there has been an increase in the number of titles included in the authorization and appropriations bills and because there has been an increase in the number of items reviewed in each title, especially for the procurement and the research and development titles.[5] The number of titles included in the two defense bills has increased from four in fiscal year (FY) 1971, to seven in FY 1977, and to ten in FY 1985. The increase in the number of items reviewed in the research and development and procurement accounts has increased dramatically:

[5] The following data have been taken from the reports of the House Armed Services Committee on its authorization bills for the fiscal year defense budget. I am indebted to Ruth Elvin for having dug out this material.

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Fiscal Year	*Procurement*	*R&D*
1975	85	74
1979	156	172
1983	204	159

As would be expected, because it reflects the great number of items reviewed, the largest number of pages in the authorization reports are devoted to the procurement and R&D accounts. Although the detail concerning each item considered has shown no increase over the years, clearly both the number of titles reviewed and the number of items per title considered have increased. It is in this fashion that the committees have increased the level of their detailed review.

There is other quantitative evidence that corroborates this picture. Robert Bledsoe has documented that for the fiscal year 1976–1983 period, the two Armed Services and the two Defense Subcommittees together made over 10,000 changes in the dollar figures of the items contained in the eight budget requests submitted by the president to Congress, or, on the average, about 1250 per year.[6] In a careful review of Congress's action on the fiscal year 1984 defense budget, *Armed Forces Journal International* found the following: of the 731 line items in the president's defense request to the Armed Services Committees, the House made adjustments in 424 of them; the Senate, in 450. Of the 1,129 line items in the Defense Department request to the Appropriations Committees, the House made adjustments in 766; the Senate, in 710.[7] Finally, for each fiscal year, the comptroller's office of the Pentagon puts out a memorandum on "Actions on Recommendations in Congressional Committee Reports and Related Authorization and Appropriations Acts," in order to keep track of the actions required and recommended by the authorizing and appropriating committees and the actions taken by the Defense Department to meet them. The memorandum for fiscal year 1984 ran to 942 pages and encompassed 624 items in the congressional reports that required special action. These items varied greatly in how many subitems each encapsulated and ranged from items like the MX missile that had many subitems to the Publications Management Center at Osan, Korea, which had few. The number 624 considerably understated the number of items Congress changed.[8]

[6] See Robert Bledsoe, "Congressional Committees and the Defense Budget: By the Numbers," unpublished paper, Spring 1983, 3. Prepared for the Roosevelt Center for the Study of Public Policy, Washington, D.C.

[7] See Deborah M. Kyle, "Congress 'Meddled' With Over Half of DoD's FY 84 Budget Line Items," *Armed Forces Journal International*, February 1984, 24. My review of the documents on which this article was based, commonly called the "FADS," which are internal Department of Defense (DoD) documents that track the changes Congress makes in Pentagon spending requests, shows that Congress changed items that ranged in importance from the Trident submarine (a $1.5 billion item) to the Naval Air Station Oceana Aircraft Parking Apron in Virginia (a $4 million item). See the DoD document, *Congressional Action on the FY 84 Authorization Request*, 30 and 54.

[8] See the table of contents of the FY 84 Memorandum.

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The picture suggested, of Armed Services and of the four defense committee actors together devoting overwhelming proportions of their time and staff resources to annual budget review, is confirmed by the judgments of many congressional participants. The following is a selection of a few views:

> [Senator Sam Nunn of Senate Armed Services] The budget cycle drives the Congress, and the Congress drives the executive branch to such an obsession that we don't have time to think about strategy. We never had a strategy hearing since I've been in the Senate.[9]

> [Senator William Roth, Chairman of Government Operation Committee] I can argue that it [the new budget process established by the Budget and Impoundment Act of 1974] is a failure, a failure because Congress has consistently failed to meet most of the deadlines, a failure because I think Congress has become mesmerized with the budget process to the detriment of other responsibilities and considerations. It spends so much time on budget matters that we really fail to adequately provide the kind of oversight that I think is necessary. We have failed to have the kind of debates that are essential on national issues such as foreign policy and defense.[10]

> [A staff member of Senate Armed Services] From January through December, we are consumed by the annual budget. Many members of the committee feel that the system is working so poorly that something has to be done. The issues are fought over and over and the level of detail is too great. Tower [then Chairman] said to the Committee in 1983: 'I want to see us get out of details.' We tried but we got back into the 'weeds'.

> [A Member of the House Armed Services Committee] We don't talk about strategy or tactics to my satisfaction in Armed Services. I think we should be involved in strategy. I don't want to micromanage . . . . we should be concerned with a proper overall defense policy and its match with our foreign policy. What the hell is seapower strategy? All they talk about [on the committee] are ships and where they are going to build them. There is too much line iteming and detail on Armed Services.

> [A recently retired staff member of House Armed Services with many years of service on the committee] Things have gone too far, not in terms of getting into the knickers of the services, but in the sense that it [detailed review] consumes too much attention of representatives and senators. We don't do enough of the long term policy. But there is a natural constituency for concentration on weapons systems in the here and now. It is difficult for members to focus on the big issues because of the lack of time, because of the need to get reelected, and because of the fact that constituency service, not policy oversight, is what is necessary today to stay in office. How to get them to focus on policy, not programs, is the problem.[11]

Congress's treatment of the defense budget is not microscopic. The defense budget is simply too large and complex for that. Nor is any of the above to say that many items in the budget do not require close scrutiny. Many do because

[9] Quoted in the *National Journal*, 31 March 1984, 614.

[10] Quoted in *Budget Reform Act of 1982*, Hearings before the Senate Committee on Governmental Affairs, 97th Congress, 2nd Session, 19 August 1982, 1.

[11] The last three quotes are taken from my interviews and must remain confidential.

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they are built on compromises that may make bureaucratic sense but little military sense. But control over programs does not necessarily mean control over policy. If the Pentagon policed its programs better, Congress would not have to scrutinize them so closely and would have more time for consideration of the broader policy issues.

Slighting of Policy Oversight. The third attribute of the "new" Congress's treatment of defense—the slighting of sustained and systematic policy oversight—is a more difficult matter to assess. It is easier to measure the amount and degree of financial and programmatic oversight because each involves items, whether they be dollars or discrete programs, that can be counted. General policy oversight is more qualitative and overarching in character. Whether it is now being done systematically, and whether it has gotten better or worse, cannot be determined simply by counting.[12] Inevitably, also, one's views about Congress's effectiveness in policy oversight hinge partly upon one's views about the adequacy of the executive's defense policies. Dissatisfaction with the latter usually brings calls for more of the former. Gauging congressional performance in policy oversight, then, is a highly subjective business.

Policy oversight differs from both the financial and programmatic varieties, although it can encompass elements of both. Fiscal or financial oversight means: Can we spend the money on this particular program efficiently? Program or programmatic oversight means: How well is this particular program being managed and how many of the systems do we need? General policy oversight means: What are our military requirements and commitments? What size, types, and mix of forces do we require to accomplish the missions that we have set and are these missions wise ones?

In theory, a nation first fixes its commitments and requirements; then it determines the size, shape, and mixture of the forces it needs and selects particular weapons to constitute those forces; and finally, it makes certain that the programs are being well managed. Matters never work out that neatly, but somehow all these steps should occur if resources on defense are to be spent intelligently. Obviously, in considering the financial and programmatic aspects of the defense budget, Congress inevitably does some general policy oversight. But the crucial point is how and when. At some point in its deliberations, the Congress must consider, apart from the financial and programmatic considerations, the broader policy contexts that inevitably constrain the financial and programmatic reviews.

To consider how many of a given weapon to buy and whether the program is being managed efficiently without considering first whether the weapon is needed and how it fits into the larger force structure is equivalent to managing the details without thinking about where they are taking you. In the defense realm, general policy oversight is most analogous to what in the Pentagon is called "force structure" or "force design issue." Force design issues are the links

[12] See the discussion below for an attempt at such counting.

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that connect national military commitments to the size and character of the nation's military forces.

In one fashion or another, most analysts who have previously studied the congressional defense role have argued that in force design issues and general policy oversight, Congress does not do well. Over the years, the continuity of their critique is remarkable:

> [1962] The major cause for Congress's lack of incentive [to play the role of coordinate budget maker] . . . would appear to lie not so much in the desire to avoid responsibility as in the expectation that there is little to be gained from trying to exercise it. The role of coordinate budget-maker can be justified Constitutionally, and it is feasible enough intellectually (provided the committees would limit themselves to a review of the high-policy choices involved), but politically the part is not very remunerative. Political conditions are normally such that Congress is little motivated and poorly set up to second-guess the President and make its own judgments stick.[13]

> [1977] The result of these past [until 1975] changes has been increasingly effective congressional oversight in virtually every aspect of defense policy save one: force design decisions. . . . In our view, these are the most critical decisions, because they drive the defense budget, dominate the design of weapon systems, and define the kinds of wars the armed forces will be able to fight. Congress at present simply does not have the institutional mechanisms to examine force design questions, with the result that oversight of overall defense policy is limited.[14]

> [1984] Members of [House] Armed Services do get into policy but only obliquely. For example, on the Lehman power projection or sea control issue. We made a decision in favor of the former by authorizing a 600-ship navy, but we did it this way: We justified a carrier by stating the policy behind it rather than the reverse. We did not debate which policy we needed and then determined the best weapons systems to achieve it. The members of the committee thus back into policy. We debate policy when we attack or support specific weapon systems, but it should be the other way around. We should debate policy first and then determine which systems to procure. The hearings are program focused. If you say to the committee members, "have policy hearing first," you will get the big Pentagon brass there; but the members' questions are either parochial or programmatic.[15]

Although I argued above that counting is not a reliable way to determine the frequency and effectiveness with which Congress engages in policy oversight, at least we can do a little to measure the frequency of it. The argument that follows, however, is merely suggestive, not definitive.

[13] Warner R. Schilling, "The Politics of National Defense: Fiscal 50," in Schilling, Paul Y. Hammond, and Glenn H. Snyder, *Strategy, Politics, and Defense Budgets* (New York: Columbia University Press, 1962), 116.

[14] Nancy J. Bearg and Edwin A. Deagle, Jr., "Congress and the Defense Budget," in John E. Endicott and Roy W. Stafford, Jr., eds. *American Defense Policy*, 4th ed. (Baltimore: Johns Hopkins Press, 1977), 337.

[15] Interview with a former staff member of the House Armed Services Committee.

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Robert Bledsoe has tried his hand at counting and the results are interesting.[16] For the FY 1976–83 period, he counted, coded, and collated all the dollar changes that the four defense committees made in the procurement and R&D titles as they were listed and explained in each committee's report on the annual defense bill it voted out. There were several thousand such changes. The three categories into which he grouped the changes were: management, fiscal, and policy. Here are the results of Bledsoe's heroic effort to code these dollar changes in line items into one of the three categories that he employed:

	Policy	*Fiscal*	*Management*
House Armed Services	40%	43%	17%
Senate Armed Services	31%	53%	16%
House Appropriations	25%	66%	9%
Senate Appropriations	20%	75%	5%

According to Bledsoe's reckoning, fiscal oversight constituted the largest single category of changes for *all* four committees. The most policy oriented was House Armed Services; the most fiscally oriented, Senate Appropriations. Neither of the Armed Services Committees engaged in an overwhelming amount of policy oversight when measured by the rationales for making funding changes in the Pentagon's line item program requests.

According to the coding rules used to categorize each of the several thousand changes, Bledsoe's categories do not match up exactly to the three types of oversight that I have employed. The match between what he terms fiscal and what I term financial is nearly complete. His category of management is also subsumed in what I term financial. For his policy category, only about seven of the twelve coding statements signify what I would call policy oversight, that is, force design decisions. Therefore, only about 60 percent of the coding statements in his policy category are equivalent to my policy category; the remaining 40 percent is roughly equivalent to what I have called programmatic changes. Therefore, if we combine his fiscal and management categories into one category (my financial oversight category) and split his policy category into two categories—60 percent for general policy and 40 percent for programmatic oversight—his findings would look like this:

	Policy	*Program*	*Financial*
House Armed Services	24%	16%	60%
Senate Armed Services	19%	12%	69%
House Appropriations	15%	10%	75%
Senate Armed Services	12%	8%	80%

Obviously, this is an arbitrary but not wholly unreasonable manipulation of Bledsoe's data. It makes even stronger the finding he reached. Bledsoe concluded that the dollar line item changes made by all four committees in the procurement

[16] See Robert Bledsoe, "Congressional Committees and the Defense Budget," 40–41 and the Appendix.

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and R&D titles were dominated by what he called fiscal reasons. With my manipulation of his data, the financial (Bledsoe's fiscal) basis of the committees' actions looms even larger. There is a second conclusion that can be derived from Bledsoe's data. To the extent that the two Armed Services Committees have concentrated their actions in the fiscal/financial category, whether measured by his figures or mine, we have some tangible evidence that these committees have increasingly become budgeteers, and thereby, that the overlap between what they do and what the Defense Subcommittees do is great. We could draw a third conclusion and argue that the more financially based are the actions taken by the four committee actors, the more the Congress is trying to run the Pentagon, and the greater is the micromanagement in which it is engaging.

Obviously, Bledsoe's data, and particularly my manipulation of it, should be interpreted cautiously. What we are dealing with here are actions on specific programs in the authorizing and appropriating bill reports. The data obviously exlude the more general type of policy oversight that occurs in the other activities and hearings of the committees. Nevertheless, the results are suggestive in that they do measure the types of considerations that govern committee activity on line item programs.

What Policy Oversight Is Done?

None of this is to argue that the defense committee actors do no significant policy oversight at all. Notable examples in recent years are: Senator Sam Nunn's passage of legislation that required a review of the North Atlantic Treaty Organization's (NATO) tactical nuclear stockpile, which paved the way later for significant changes in NATO's nuclear doctrine and forces; the Strategic Arms Limitation Talks (SALT) hearings on the SALT II treaty; recent actions to control antisatellite weapons; recent hearings on Pentagon reorganization; and the recent study report by the House Appropriations Committee on the poor state of readiness of the military forces. Moreover, measured by the volume or number of hearings conducted per year, the Armed Services Committees are among the most active overseers in the Congress today. They rank above every committee except Agriculture and Appropriations in the number of hearings held.[17] Policy oversight does occur. Some of it is quite important and has far reaching effects.

What we are dealing with here is not an either/or situation, but a question of the proper balance between policy oversight and budgeteering. No matter how large are the staffs of the Armed Services Committees, it is impossible for them to do both equally well. If the members of those committees wanted to do more policy oversight and less budgeteering, they could. That they do not is a matter of their choice.

Why? The answer lies not simply with the advent and continual growth of an-

[17] See Lawrence C. Dodd and Richard L. Schott, *Congress and the Administrative State* (New York: John Wiley and Sons, 1979), 171.

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nual authorizations, not simply with committee rivalry within Congress, not simply with the assertiveness of the new Congress, but also with the political incentives of members today to conduct policy oversight. They are low. Policy oversight does not enhance a legislator's credit-taking posture; it does not garner him electoral votes; nor can it be tied directly to control over executive action. The impact of policy oversight is too general and diffuse, both on a legislator's career advancement and on those objectives he holds for public policy. As Seymour Scher perceptively put it over twenty years ago: "Congressmen tend to see opportunities for greater rewards in the things they value, more from involvement in legislative and constituent-service activity than from participation in oversight activity."[18]

Policy oversight requires disciplined analysis, hard work, perspective, time to reflect, and detachment from the agency one oversees. All of these are commodities in short supply in the harried and increasingly specialized Congress of today. Less attached to parties than they once were, today's members must rely more on their own efforts to gain attention and electoral advantage. They are constantly on the make for "the quick fix." They have to be shown, as Michael Malbin puts it, that "an issue will make them look good" before they will take it on.[19] The only thing worse than taking on an issue that will not make a legislator look good is taking on one that will make him look bad. Most issues of general policy oversight, however, involve longstanding and fairly intractable problems, ones in which the risk of looking bad is high. The penchant for the quick fix makes legislators conservative in their choices of how they spend their political resources. To tackle an intractable problem takes both political courage and a secure incumbency. If many members possess the former, most do not believe that they enjoy the latter, even if they do. They are constantly running hard both to discourage competitors for their seats from running against them and to beat those who choose, nevertheless, to do so.[20] Thus, the political incentives as they are structured on Capitol Hill today put the bias on the short term, the specific, the details, the programs that can be grabbed, manipulated, changed, and sold. Such incentives do not encourage policy oversight.

In defense, the problem is even more acute. Nearly the entire budget is discretionary because it is annually authorized. That gives legislators lots of details and programs to fiddle with every year. The temptation is too great to resist.

[18] Seymour Scher, "Conditions for Legislative Control," *Journal of Politics*, 25 (August 1963): 531. Scher's article remains the best single analysis of why oversight routinely does not occur and why periodically it does.

[19] Michael J. Malbin, *Unelected Representatives: Congressional Staff and the Future of Representative Government* (New York: Basic Books, 1980), 35–36.

[20] This is the message of David Mayhew, *Congress: The Electoral Connection* (New Haven, Conn: Yale University Press, 1974). He argues that the safeness of an incumbent's seat is not a good measure of how hard he runs for reelection. The fact that his seat is safe can just as easily reflect how hard he runs while in office to discourage formidable competitors from taking him on rather than being attributable to any other factors.

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Taking credit for protecting, expanding, or starting a program is electorally more worthwhile than more diffuse policy oversight. It is intellectually easier to think about the specifics of a given program than it is to analyze the larger purposes into which the program fits. The latter involves questions of military contingency planning and force structure mixes for which there are no seemingly definitive answers. It is all rather open-ended and slippery. This might appear exactly suitable for legislative consideration since views can be aired, no real decisions taken, no political resources expended, and no politically adverse effects suffered. Posturing on policy would appear to be politically advantageous and should be politically popular.

The problem with this, however, is that it gains a legislator little compared to the other things he can do. The type of action that, to use Warner Schilling's phrase, "creates a climate of opinion," is difficult to justify and take credit for because it does not have tangible, immediate, easy-to-point-to results. But that is precisely what policy oversight involves.[21] To modify John Maynard Keynes's famous dictum: "He who thinks only about the long term at the cost of neglecting the short term will in the medium term be (electorally) dead."

When he was chairman of Senate Armed Services, one of Richard Russell's experiences in 1959–60 was central in his decision to push for annual authorizations: the failure of the committee to engage in effective policy oversight. Because the general hearings held by the Senate Armed Services Committee in the 1950s were not tied to specific legislative action or budgetary decisions, the senators on the committee did not take them seriously. There was an inverse relation between the amount of general policy discussion and the level of senatorial interest. The more general policy was discussed, the lower was the senatorial attendance level. The Armed Services Committees set out on the path of annual authorizations precisely because their members felt that such general policy reviews were ineffective and put them at a competitive disadvantage with the Appropriations Defense Subcommittees, which actually controlled policy because they had the say over the details of spending. In short, annual authorizations were begun because policy oversight had failed. Or so was the view at the time.

The perceptions of members have remained the same today, if the views of staff from the Armed Services Committees are correct, as I believe they are:

> [House Armed Services] For the policy hearings, the members ask us: "Do we have to do this?" or, "Why are we doing this?" Only when they have to do something [specific] will they come. [Senator John] Tower got their attention and attendance [on Senate Armed Services] when he focused on how the Pentagon is organized by getting them to realize that it might make a difference in what they [as committee members] did.
>
> [Senate Armed Services] We tried to have major overviews and how that affected our force posture, but the Senators don't turn out. They are used to hearings for the bottom line, where hardware decisions are going to be made.[22]

[21] Schilling, "The Politics of National Defense," 248–249.

[22] These two quotes are drawn from my interviews.

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Policy oversight, then, is difficult to obtain, not because legislators are not smart enough to do it, not because they do not have the time to do it, not because they do not have the staff to do it, but because they do not want to do it. If more policy oversight of defense is to occur, the political incentives to do it will have to be strengthened.

Enhancing Policy Oversight

What, then, can the Congress do to enhance its ability to deal with the larger issues embedded in the defense budget? How can it restore some balance among the financial, programmatic, and policy types of oversight? First, Congress must alter the structure of the Pentagon so that better results emerge from it. The better the quality of Pentagon proposals—the more coherent they are—the more effective and efficient Congress's oversight of them can be. Second, Congress, and particularly the Armed Services Committees, can take specific steps to move away from budgeteering by diminishing somewhat the scope of annual authorizations. The less the focus on the details of the annual budget, the more resources there will be available for quality policy oversight. Third, Congress can institutionalize policy oversight by creating a body with a vested interest in it. Only if an element of the Congress has a political interest in asking the broad questions will they systematically and continually be asked.

Structural Change of The Pentagon. The most efficient place for Congress to begin, strangely enough, is not with itself but with the Defense Department. Congress must not try to do what it is institutionally not well suited to do. We must distinguish between those measures that are organizationally necessary to initiate policy and those that are organizationally necessary to judge policy. The former is the task of the executive; the latter, of the Congress. The tasks of initiating and judging derive from the organizational differences between bureaucracies and legislatures. Congress's organizational structure is more nearly horizontal in nature; the executive branch's, more nearly hierarchical. Because it is a political institution where the actors are more nearly equal in power than are those in the more hierarchical executive branch, the Congress can never achieve the degree of centralized control that is requisite to develop, coordinate, and reconcile competing policy positions—all of which are necessary steps for policy initiation. What Congress is uniquely positioned organizationally to do is to judge. It does so by reacting to, and hence overseeing, executive proposals. Its decentralized structure ensures that multiple perspectives and points of view will flourish and be brought to bear upon anything that comes before it. Congress works best when it does what it is structurally most suited to do.

Congressman Les Aspin, chairman of the House Armed Services Committee, has aptly summarized the institutional nature of the Congress and why it is best suited for oversight, not initiation. His words are worth quoting at length:

> A second role that Congress performs [the first being a conduit for constituent views and the third acting as guardian of the processes of government] is as general overseer

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of government policies and resource allocation. In this role it acts not unlike a board of trustees. With very few exceptions, Congress is not the place where policy is initiated. Most Congressional committees or subcommittees have no overall plan or policy which they would like to see implemented in the area of their concern. The Pay and Allowances Subcommittee of the House Armed Services Committee has, for example, no guiding policy about the structure of pay and allowances in the armed forces. They do not initiate legislation in this area, but simply modify, if necessary, and ultimately give their approval to what the Executive is proposing to do. In performing this role they have certain advantages. They have often had long years of experience, and they know what has been tried before. They have lines of communication open to various branches of the armed forces, which provide them with information that the Executive may not have; and they are very sensitive to the conficting pressures that build up around any change in policy.

There are, of course, exceptions to the rule. Some committees or subcommittees try to take the lead or initiate new policy. . . . But any effort to do so is hampered by divergences in the views of individual committee members and wariness about taking issues to the floor, where, without Administration support, they are likely to be defeated. Most committees wait for the Administration to send over its proposals, and then they consider them from what might be described as a board-of-trustees perspective; this can be very useful, but it does not constitute leadership. Even this board-of-trustees function could be vastly improved—investigative work and legislative supervision are both activities that Congressional committees could and should do better and more extensively.[23]

Even though Congress is best suited for oversight, its resources, even for this task, are limited. It must husband and use them efficiently. No matter how large its staffs become, Congress can never compete with the Pentagon in this respect. Of necessity it must be selective in its attempt to manage programs. Influencing policy by selective program management is a poorer way for Congress to operate than obtaining better Pentagon management on all programs. In a task as large and complex as the formulation of America's global defense posture, Congress can best influence policy by enabling and requiring the Pentagon to get things more nearly right before they come to Congress for consideration. Congress should take to heart the lesson it has applied to the task of federal budgeting in general: Congress does its task best when it gets the executive branch to do the bulk of the work for it. Structural reform of the Pentagon is, therefore, *the* fundamental step. Without a basic change in the way the major actors in the Defense Department do their business, procedural reforms in the way Congress does its business will improve matters only marginally.

Viewed in broad perspective, then, the three attributes of the new Congressional role in defense—budgeteering by the Armed Services Committees, attempts at detailed management of the budget by the four defense committee

[23] Les Aspin, "The Defense Budget and Foreign Policy: The Role of Congress," in Franklin A. Long and George W. Rathjens, eds., *Arms, Defense Policy, and Arms Control* (New York: W. W. Norton, 1976), 168.

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actors, and slighting of policy oversight by all committee actors—are pieces of the same whole. For they reflect the more general approach that Congress has taken to defense matters since the end of World War II. After the end of the war, Congress created a type of defense structure that inevitably drew it deeply into defense matters. That was done because that was what the Congress wanted.[24] Its subsequent modifications to that structure did little to retard its being drawn more deeply into military affairs. The advent of budgeteering and detailed management and the consequent slighting of policy oversight—all three were developments that naturally stemmed from the defense structure the Congress had originally created and largely preserved intact.

Since 1945 the Congress has favored a decentralized, pluralistic, and competitive defense establishment, not a centrally run, highly hierarchical, and tightly controlled one. It has favored pluralism and competition so as to be better informed about what is happening and so as to be better positioned to arbitrate among the competitors. A decentralized defense establishment is the type of structure that is perceived to enhance Congress's own power over it. One more centralized would risk a diminution of both Congress's access to the information necessary to make decisions and its power to arbitrate and decide. As Samuel P. Huntington once put it: "Congress' constant concern with the danger of the 'Prussian General Staff System' reflected not so much a fear of enhanced military power as a fear of enhanced executive power."[25]

A secretary of defense truly powerful in his bailiwick would likely curtail the role that Congress would play in the more daily and mundane affairs of the Pentagon. If the secretary had the power within the Pentagon to make the sensible tradeoffs needed, there would be greater confidence in Congress about the state of affairs there, greater confidence in the quality of the products that reach it for consideration, less reason for it to second guess matters, and hence less need for it to attempt to manage defense affairs in such detail.[26] Similarly, if the nature and functioning of the Joint Chiefs of Staff were altered to produce better military advice for the secretary, his task—and that of the Congress—would be made easier. Just as the Congress can oversee and influence policy better if the Pentagon does better work, so too the secretary of defense can better oversee and influence military policy if the Joint Chiefs of Staff do better work.

Thus, the less confidence Congress has had in the Pentagon's management of its own affairs, the more deeply it has been drawn into them.[27] Congress's treat-

[24] For a full discussion of Congress's role in postwar defense reorganization, see Demetrios Caraley, *The Politics of Military Unification* (New York: Columbia University Press, 1962).

[25] Samuel P. Huntington, *The Soldier and the State* (Cambridge: Harvard University Press, 1958), 423.

[26] For an analysis of how little real power the secretary of defense has over the Pentagon, see James Schlesinger, "The Role of the Secretary of Defense," in Robert J. Art, Vincent Davis, and Samuel P. Huntington, eds., *Reorganizing the Pentagon: Leadership in War and Peace* (New York: Pergamon, 1985).

[27] Robert Pastor found that much the same pattern had occurred in foreign economic policy. The Congress delegated power to (or took it back from) the president in direct relation to the degree of

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ment of the defense budget suffers from too detailed a focus at the expense of the broader questions, but the same has applied to the secretary's position vis-à-vis the military services. The secretary has tried to do too much in military policy because the services have done too little. Lack of the proper defense structure has led to both congressional and secretarial micromanagement. Congress's sense of poor management in the Pentagon is due, then, mostly, though not wholly, to the structure it has created. The defense actors in the Pentagon are simply acting in ways that the structure in which they coexist dictates. Congress's accurate sense of poor management stems from its creation of a framework "well designed" to produce poor management. Congress has thus accepted poor management within the Defense Department as the price to be paid for its deep and detailed intervention in military affairs.

The specific details of the changes that Congress must make in Pentagon organization need not concern us. What is essential, however, is that two alterations of a general nature be made: first, the quality of military advice, of the chain of military command, and of service use of resources must be improved; and, second, the secretary must be given the authority necessary to engage in an across-the-Pentagon oversight that will improve the degree of coordination and integration of military affairs. Pentagon reform must begin with a strengthening of the only two integrating bodies that exist in the Pentagon today—the Joint Chiefs of Staff and the office of the secretary of defense.[28] Only by strengthening the two bodies that have a Pentagon-wide perspective can there be hope of reducing duplication of missions, redundancy among weapons, and neglect of what are nontraditional service, but urgently needed, missions. Only by strengthening these two agents will the hand of the commanders of the unified and specified commands who speak for readiness and sustainability be strengthened. Left to themselves, the separate service bureaucracies within the defense establishment will do what is in their best interests as they perceive them. Those are not necessarily what is in the best interest of the Pentagon as a whole. Only a strengthened secretary of defense and his military counterparts can perceive the collective interest and construct it from the separate ones.

Techniques for a Multiyear Perspective. In order to obtain a longer-term purview on the defense budget, Congress should take seriously a three year perspective in its budgeting so as to counteract the one-year-at-a-time focus of the present process. For example, if the Congress took more seriously the second and third year defense spending figures that are currently included in the budget resolutions required by the 1974 Budget and Impoundment Act, it could in turn require the executive to submit budget requests that conformed to the outyear outlay figures in the previous budget resolutions. Requiring the administration to submit requests that conform to the outyear figures, but not making the out-

trust (or distrust) it had in him. See Robert Pastor, *Congress and the Politics of U.S. Foreign Economic Policy, 1929–1976* (Berkeley: University of California Press, 1980).

[28] For a perceptive set of detailed suggestions for Pentagon reorganization, see Samuel P. Huntington, "Defense Organization and Military Strategy," *The Public Interest*, (Spring 1984): 20–47.

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year figures have the force of law, could get around the constitutional provision that makes appropriations for the army beyond two years unconstitutional. Congress would, therefore, not make the outyear figures binding upon itself, but would require the administration to use them as the starting point for its budget formulation. The administration would have the flexibility to depart from those figures, but the onus should be on it to explain why there is the need to do so. If multiyear planning is to mean something, then steps must be taken to make the outyear figures a credible basis for planning within the Pentagon.

There are several things the Armed Services Committees themselves could do if they truly wanted to do less budgeteering. They could move to multiyear authorizations of the defense budget to gain the time necessary for more leisurely consideration of general matters. Defense appropriations would still be done annually, and, as a consequence, the Armed Services Committees would be giving up some of their close control over programs. The effects of the loss of power in a multiyear authorization and annual appropriation combination, however, could be lessened for the Armed Services Committees if the reprogramming of defense funds were done on a more regular and systematic basis than is now the case.[29] The Armed Services Committees could authorize the defense budget for a three year period, but be required, along with the Defense Appropriations Subcommittees, to approve any Pentagon reprogramming of funds. If the Defense Department were required to come to the Congress on a predictable schedule for reprogramming actions, rather than haphazardly as is now the case, then there would be orderly reviews of program changes. The Armed Services Committees would retain control over the approval of new programs (R&D) and of production buys (procurement). They would give up fine tuning each program each year, but through a regularized reprogramming process, they would be assured of being involved in any major program changes, such as cancellations or large alterations in production runs. They would, therefore, confine the bulk of their efforts on individual programs to initial approval and periodic review.

A variant of this approach has been suggested by John J. Hamre of the Congressional Budget Office.[30] It calls for "milestone" authorizations, a specific form of multiyear authorizations, in lieu of annual authorizations. Congress could establish its own "milestone review process," modelled after the DSARC (Defense Systems Acquisition Review Council) process of the Pentagon. At each phase in a weapon systems life cycle—research and development, full scale engineering and development, initial award of procurement funds, further produc-

[29] I am indebted to former Secretary of Defense Melvin Laird for this suggestion, which was made when I presented several of my proposals for reform to the Steering Committee of the Defense Reorganization Project, Georgetown Center for Strategic and International Studies, in February 1984.

[30] See John J. Hamre's unpublished paper, "Potential New Patterns of Congressional Review of Defense Budget Requests." Hamre is Deputy Assistant Director for National Security and International Affairs at the Congressional Budget Office.

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tion buys—the Congress would require from the Pentagon full documentation. At each point before another milestone decision is made, the Armed Services and Appropriations Committees would have to review, accept, modify, or cancel the Pentagon's proposed action. Congress would, therefore, review a given program intensively only during the critical decision points in its life cycle.

This proposal would make sense, as Hamre argues, only in the framework of multiyear authorizations for both research and development and production. Its virtues are several: it retains for Congress the final say over any milestone decision; it forces the Pentagon to do the work by providing documentation in presentable form for congressional review; it pushes the committees out of detailed management; and it saves some always-scarce committee time for other matters. In short, it substitutes selective review for annual management but without loss of significant control. It has the final advantage of tying congressional oversight to a specific procedure, something that always works well for an institution that is itself poorly run and buffeted by short term political winds.

The Armed Services Committees could also take up the suggestion of Senator Peter V. Domenici and treat different aspects of the defense budget differently.[31] Research and development and procurement could be authorized on a multiyear basis; operations and maintenance and personnel on an annual basis. Multiyear authorizations make a great deal of sense for programs in development, just as they do for those in production. Operations and maintenance involves items where the connection between budget authority and outlays is quite close. That is the case also for personnel. It makes sense that these two titles, which have a clear and significant effect on readiness, be annually authorized and protected from undue cutting by the Appropriations Committees.

These three devices have been presented merely for illustration. There is no dearth of ideas on how to get the Armed Services Committees out of budgeteering and yet still enable them to retain a significant degree of control over the programmatic elements of the defense budget. The dilemma, however, is that the devices cannot substitute for the will to do so. And if the will is there, the exact devices best suited for a more selective, yet still influential programmatic control will quickly be found.

Institutionalizing Policy Oversight. Exactly the same problem exists for policy oversight. If the will is there, the means for doing it will quickly follow. If the will is not there, the devices will be ineffective. The problem, then, is how to create the incentives for doing policy oversight. Only one comes to mind, and here we can take a lesson from the House Armed Services Committee. When it appeared that combat readiness was suffering because there was no constituency on the Hill to champion it, the committee created one by constituting a subcommittee on readiness. Why can the same not be done for policy oversight? A sub-

[31] See Peter V. Domenici's testimony before the Senate Budget Committee, 21 September 1982, in *Proposed Improvements in the Congressional Budget Act of 1974*, Hearings before the Committee on the Budget, U.S. Senate, 97th Congress, 2nd Session, 14, 16, 21, and 23 September 1982, 141.

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committee whose province it is to oversee policy generally and which consists of members whose interests and energy run in that direction could create the agency necessary to begin systematically building policy oversight into the annual budgeting process. This type of subcommittee could combine a wide-ranging mandate with a group of self-styled policy entrepreneurs. That is, in fact, the way that Congress works best: it takes the individualistic and entrepreneurial nature of congressional initiative and matches that with the subcommittee structure of Congress. In short, it combines the personal and the institutional.

Over the long term, the Senate Armed Services Committee may be the best place to institutionalize such an agency, not only because the predilections of several of its younger members lean that way, but also because the Senate committee traditionally has taken the road of "high" policy.[32] Not every committee that deals with defense matters has to engage in policy oversight for such a task to be done. It is sufficient that one locale on the Hill does it. This is so due to the iron law of executive-legislative relations: because the Congress reacts, the executive anticipates. If there is a clearly defined group within the Senate committee that will engage in more systematic oversight of general policy matters, the Pentagon will also be required to do so. What was the case for annual budgeteering can be the case for policy oversight. The overweening focus on the annual budget to the neglect of the longer term occurred in the Pentagon to a large extent because it happened first in the Congress. The Pentagon had no choice but to focus only on the next fiscal year because Congress's actions required it to. In some fashion, the same should happen for policy oversight. If a Hill constituency performs this function, the Pentagon will be forced to do so out of self defense.

This may seem a weak reed upon which to hang so momentous a task as policy oversight. Perhaps it is. But at least it is realistic. Members of Congress will do only what is in their political interests to do. The creation of a Hill constituency for policy oversight—by whatever means—is the only way that such a review will in the long run be sustainable.*

[32] At the time of this writing, the new chairman of the House Armed Services Committee, Les Aspin, has just created such a general oversight agency, which he calls the policy panel. In doing so, he ran into opposition from the more traditional members of his committee (See *The New York Times*, 5 February 1985).

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The United Nations and Human Rights, 1945–1985

DAVID P. FORSYTHE

Between 1945 and 1985 there has been a marked change in the treatment of human rights at the United Nations. On the foundation of a few vague references to human rights in the UN Charter there has evolved an International Bill of Rights indicating numerous obligations of increasing salience. This core of global rules has been supplemented by a series of particular human rights instruments, some with special control mechanisms. Once the subject of human rights seemed idealistic and abstract, but by the 1980s there was growing attention through an increasing array of UN organs to specific countries and patterns of behavior such as torture and people who have disappeared. The subject of humans rights has not faded away like that of military coordination under the Security Council nor has it remained on the back burner like the Trusteeship Council. Rather it has emerged more and more as one of the subjects to which member states give great attention, if not always for the same reasons.

Considerable debate exists at the United Nations over the significance of this change in the treatment of human rights. Clearly, the institutional and procedural changes in the field of human rights have been striking. It also seems clear that there is some legal significance to these changes. At least it now can be said that states have accepted a number of new legal obligations and that numerous "cases" exist which can be used as "precedent" should actors choose to do so in pursuit of human rights values. Ambivalence begins to set in when one tackles the subject of the practical significance of these changes for the condition of human rights beyond UN meeting rooms. There is considerable disagreement

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about what constitutes progress in human rights and how to discern it. Debate also exists over whether events at the United Nations constitute a global regime on human rights.

Attention will be given first to the more striking institutional and procedural changes at the United Nations concerning human rights to be followed by a discussion of some of the reasons why these changes have occurred. In these first two sections evidence will be presented which should help correct a widespread misunderstanding about the UN and human rights. The third section will tackle the difficult subject of the significance of the changes. What can one realistically expect from the United Nations on human rights issues? What has the UN achieved measured against this standard of expectation? If the conclusion is ambivalent, both optimistic and pessimistic, perhaps this will prove understandable in a complex and uncertain world.

An Overview

There are a variety of views on the historical evolution of the United Nations and human rights.[1] Most observers agree on three early stages, each lasting about a decade. From 1945 or 1947 to 1954 human rights diplomacy at the UN focused on the drafting of norms—the elaboration of the Charter provisions on human rights. From about 1954 to around 1967 optimists say human rights diplomacy turned to indirect protection or promotion efforts through seminars and publications of various studies on human rights problems in general, without naming countries or specific patterns of behavior. Pessimists see this period as one of inaction despite a supposed UN action plan on human rights. This view has some merit, although numerous persons at the UN were active on several human rights matters. The Eisenhower administration, however, traded away much activity on human rights at the UN in return for the demise of the movement in the U.S. Congress for a "Bricker amendment" to the Constitution which would have limited executive authority in foreign affairs.[2] A third stage clearly starts around 1967 when activity at the United Nations began to target selective protection of rights in specific countries like South Africa and Israel. Shortly after, this concern for specifics was broadened to other targets. At one point these efforts at protection became almost global, especially after the two major Covenants—or treaties—on human rights came into legal force. Most countries were not guaranteed freedom from some type of "UN" supervision of

[1] Howard Tolley, Jr., "The United Nations Commission on Human Rights," unpublished manuscript, read by permission; Theo C. van Boven, "United Nations and Human Rights: a Critical Appraisal," in Antonio Cassese, ed., *UN Law/Fundamental Rights* (Alphen aan den Rijn: Sijthoff & Noordhoff, 1979), 119–136; Karel Vasak, ed., *The International Dimensions of Human Rights*, vols. 1–2 (Paris: UNESCO, 1982).

[2] James Frederick Green, an advisor to Eleanor Roosevelt, confirms that the "Action Plan" was a diplomatic device to deflect criticism away from the U.S. policy shift. Interview with author, Atlanta, Ga., 1984.

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their rights record. Whether there will be a fourth stage beyond these three is a matter of debate.

Because the definition of most historical eras is partly arbitrary, I will speak simply of before and after the mid-1960s. Before the 1960s there was a certain "timidity" on the part of member states in approaching the human rights issue, and almost all expectations were low about utilizing the United Nations to act on human rights questions.[3] The superpowers had not been terribly interested in international human rights at the start of the San Francisco Conference in 1945, although the U.S. responded to nongovernmental organization (NGO) pressures enough to get Article 55 placed in the Charter to give a legal basis to human rights activity. This climate of opinion controlled events at the United Nations during its first years. The UN Humans Rights Commission, an instructed body reporting to the Economic and Social Council (ECOSOC), issued a self-denying ordinance in 1947 holding that it had no authority to hear specific complaints about human rights violations. The commission functioned basically as a research and drafting organ. As part of its action (or inaction) plan of the 1950s, states were asked to voluntarily report on their rights policies. Reports were generally self-serving and not subjected to careful review. When the commission's Subcomission on the Prevention of Discrimination and the Protection of Minorities, composed of experts uninstructed by their states' governments, had a rapporteur who became assertive and tried to push an analytic summary drawn from state reports, the subcommission buried the project. Western states sought the termination of the commission's subgroups and ironically succeeded in stopping the one on freedom of information. The one on discrimination and minorities was barely saved by other coalitions.[4] The one on women continued as a separate commission. Sporadic resolutions on particular subjects like forced labor did not change the dominant pattern of this early period which was marked more by lip service to human rights than by specific protection efforts.

The Universal Declaration of Human Rights was adopted in 1948. The two major Covenants were negotiated (one on civil and political rights, the other on economic, social, and cultural rights). These instruments came to have considerable salience legally and politically. However necessary this drafting was, in this first period it was accompanied by considerable foot-dragging. Even Eleanor

[3] M. E. Tardu, "United Nations Response to Gross Violations of Human Rights: the 1503 Procedure," *Santa Clara Law Review* 20 (Summer 1980): 559; and Van Boven, in Cassese, 122. For a good overview of the early climate of opinion at the UN see Leon Gordenker, "Development of the UN System," in Toby Trister Gati, ed., *The U.S., the UN, and The Management of Global Change* (New York: New York University Press, 1983), 11-21.

[4] The fight to save the subcommission was led by Chile, Mexico, and the Philippines. The Soviet bloc gave its support. Those voting to keep alive the subcommission were: Afghanistan, Argentina, Burma, Byelorussia, Chile, Columbia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Haiti, Indonesia, Iran, Iraq, Liberia, Mexico, Pakistan, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukraine, Soviet Union, Uruguay, Venezuela, Yemen, Yugoslavia. *United Nations Yearbook 1951* (New York: United Nations, 1954).

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Roosevelt, the U.S. representative to the Human Rights Commission, argued repeatedly that the Declaration was not intended to be legally binding.[5] The Covenants, while substantially completed by 1954, were not approved by the General Assembly and opened for signature until 1966, and did not reach the number of required adherences for entry into legal force until 1976. Most states seemed anxious about accepting specific and binding obligations and did not want the UN Human Rights Commission or other organs of the UN to be assertive in the cause of human rights.

Prior to the mid-1960s, however, a number of other human rights instruments were developed. Concern with labor rights and slavery carried over from the time of the League of Nations. New legal instruments were created concerning refugees, genocide, women's political rights, and the rights of the child. Toward the end of this first period treaties were drafted on prevention of racial discrimination and discrimination in education. It was as if states could not help themselves from drafting documents proclaiming high-minded goals, even if their specific policies fell short of the standards they were approving. Many states failed to submit required reports to the Committee on the Elimination of Racial Discrimination (CERD) after adhering to the treaty.[6]

In the second twenty years of the United Nations the situation changed markedly. Efforts increasingly moved from the general and the abstract to the specific and the concrete. Some drafting efforts continued—for example, on a special instrument concerning torture. The UN accepted the principle of the permissibility of individual petitions and created several mechanisms to deal with them. Increasingly UN bodies used publicity to pressure specific states. Targets were not limited to South Africa and Israel, or even Chile. Increasingly across the UN system there was a fragile but persistent movement toward improved supervision of states' policies on human rights. More and more human rights treaties came into legal force and various agencies tried to see that they were implemented.

The Human Rights Committee. The UN Covenant on Civil and Political Rights came into legal force for adhering states in 1976. Since then the number of states that are bound under the treaty has grown to about seventy-five. These elect an eighteen member committee of uninstructed persons to review state reports and to hear individual petitions from persons whose state has accepted an optional protocol permitting such action (about thirty at the time of this writing). The committee does not take instructions from UN bodies, but it reports to the General Assembly and interacts with the UN Secretariat. By most

[5] General Assembly, Third Committee, Summary Record, A/C.3/SR.89, 30 September 1948. See further A. Glenn Mower, Jr., *The United States, The United Nations, and Human Rights: The Eleanor Roosevelt and Jimmy Carter Eras* (Westport, Conn.: Greenwood Press, 1979).

[6] Thomas Buergenthal, "Implementing the Racial Convention," *Texas International Law Journal* 12 (Spring/Summer 1977): 187–222. While this Convention came into legal force in 1969 and now has over 120 adherences, it was not until 1982 that ten states permitted individual petitions and thus brought that part of the treaty into legal force.

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accounts since 1978 the committee has been energetic and assertive, seeking to make the review process as rigorous as possible, but staying within the bounds of a generally cooperative attitude toward states.[7]

In 1980 an important discussion arose about the authority of the committee in the light of Article 40, paragraph 4 in the Civil-Political Covenant. This reads: "The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant."

A majority of the thirteen members participating in the debate wanted to give considerable scope to the word "study" and not be deterred from vigorous action by the word "general." This majority was made up of Third World as well as western members. Clear support for an active committee came from Ecuador, Jordan, Tunisia, and Senegal, as well as West Germany and Norway. The members from Eastern Europe—especially from the USSR, East Germany, and Romania—were a distinct minority. Eventually a compromise statement was reached: "general comments" would be addressed to state parties; the committee could comment on the implementation of the Covenant; protection of human rights was a proper subject for the committee, not just promotion; the committee could take up the subject of "the implementation of the obligation to guarantee the rights set forth in the Covenant . . .;" the committee might later consider further what duties it would undertake; the Secretariat would be asked to make an "analysis" of states' reports and the pattern of questions by members. Subsequently other comments by members indicated that many would continue to push for a serious review process and that an attempt would be made to be systematic in order to establish patterns over time.[8] If this compromise seemed in the short run a concession to the East Europeans, it contained ample language to legitimize expansive and assertive action by the western and Third World members. Since 1980, "general comments" has been used to interpret the Covenant in a specific way.

In 1981 the committee publicly criticized Uruguay for its treatment of certain individuals. The committee in effect rejected a report from Chile and criticized the inadequacies of several other reports. The committee also requested the

[7] Dana D. Fischer, "Reporting Under the Covenant on Civil and Political Rights: The First Five Years of the Human Rights Committee," *American Journal of International Law* 76 (January 1982): 142–153. Under Article 41, states may declare that the Committee is authorized to receive complaints from other states. Too much can be made of this subject. The history of other instruments—for example, the European Convention on Human Rights—shows that states are reluctant to make such legal claims. Similar political claims can already be made in the General Assembly or Human Rights Commission.

[8] Covenant on Civil and Political Rights, Committee on Human Rights, Summary Record, CCPR/C/SR.201, 24 March 1980; CCPR/C/SR.231, 24 July 1980; CCPR/C/SR.232, 23 July 1980; CCPR/C/SR.253, 28 October 1980; CCPR/C/SR.260, 4 November 1980.

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Secretariat to put pressure on Zaire for its failure to file a report on time. Many states have been questioned closely about their reports and policies; frequently additional information is requested and provided. Aside from the Soviet Union and its close allies, the nature of questioning does not usually follow ideological alignments. At one point in 1983 the member from Yugoslavia seemed very tough on the subject of Nicaragua's treatment of Miskito Indians. At another point the member from West Germany was exceedingly tough in addressing the presenter of the report from France. The member from Tunisia led the effort to put pressure on Zaire.[9]

The Human Rights Committee has not functioned for very long. Its authority, procedures, and impact are still in flux. It seems clear thus far that the majority on the committee, irrespective of turnover, intend to have as much impact as the committee can generate. National laws in Sweden and Senegal have been changed apparently as a result of committee questioning.

The Human Rights Subcommission. The United Nations Subcommission on Prevention of Discrimination and Protection of Minorities has become over time an uninstructed body on human rights in general, functioning under the Charter under whatever mandates might be received from its parent commission, ECOSOC, or the General Assembly, and under whatever initiatives it might seize for itself.[10] On the one hand its membership has not been that different from its instructed parent which elects its twenty-six members. In 1982, according to the index of Freedom House, ten members came from "Free" nations, seven from "Partly Free," and nine from "Not Free."[11] Many individuals have served as instructed representatives of a state and at another time as supposed uninstructed members of the subcommission. This is a prevalent personnel pattern not limited to Eastern European delegations and one that reappears in the Human Rights Committee as well. On the other hand the members of the subcommission have been so assertive at times that superior bodies have found it necessary to suppress the subcommission's activity, ignore its projects, change its mandates, or change its membership. The subcommission has been more willing to use public pressure on states than its superiors and has also sought to do as much as possible on a number of specific problems like detained or disappeared persons. It has tried a variety of procedures to improve its efficacy, such as instituting working groups on particular problems which meet before regular sessions. The working group on slavery has been notable in this regard. It is the U.N. body of first recourse for private communiques under important resolutions, and it has performed that review with seriousness of purpose since 1972. At times the

[9] *United Nations Chronicle* 20 (January 1983): 105; 20 (July 1983): 92–95; 20 (November 1983): 57–64.

[10] See further in Tolley, "The United Nations Commission."

[11] "Free" countries were Belgium, Costa Rica, France, Greece, India, Nigeria, Norway, Peru, United Kingdom, United States. "Partly Free" were Bangladesh, Egypt, Mexico, Morocco, Panama, Sudan, Zambia. "Not Free" were Argentina, Ethiopia, Ghana, Iraq, Pakistan, Rumania, Syria, Soviet Union, Yugoslavia. There is much controversy about the accuracy of this Index.

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subcommission has attempted direct, public, and specific protection; for example, it sent a telegram to the government of Malawi concerning a violation of human rights.

Once, there was some fear that the expansion of the subcommission's membership and thus an increase in Third World members would dilute or slant its activity. This does not appear to have happened. In the 1980s members from Eastern Europe, joined by the one from Pakistan, tried to establish the principle that the subcommission would act only by consensus. This would have given a blocking role to a minority which might wish to curtail the persistently assertive subcommision. This move was rejected, with a number of Third World members lining up with western members.[12] The subjects taken up by the subcommission, the states criticized, and the resolutions passed do not show a simple East-West or North-South bias. At the time of this writing the subcommission seemed as serious and assertive as in the past, and as seriously circumscribed.

The Human Rights Commission. The United Nations Human Rights Commission is an instructed body elected by ECOSOC and now comprised of forty-three states. Using the rating system of Freedom House, one finds that in 1982 the commission was made up of seventeen states classified as "Not Free," ten as "Partly Free," and sixteen as "Free."[13] If 63 percent of the states making up a human rights body show major deficiencies in their own records concerning civil and political rights, one might reasonably expect that body to be less than enthusiastic in its activity. This assumption, however, is not completely substantiated by the facts.

If one looks at the last decade of the commission, after the drafting of the Covenants and later after two expansions of its membership, it can be said that doctrinal disputes over the relationship of socio-economic and civil-political rights—and over which had priority—gave way to an increasing focus on the protection of specific civil and political rights.[14] During the 1980s

> the West has become increasingly successful at enlisting majority support for new implementation measures to protect civil and political rights. In 1980 the Commission for the first time indirectly condemned an Eastern bloc ally by passing a resolution calling for withdrawal of foreign forces from Kampuchea. In the following two sessions, the Commission denounced foreign intervention in Afghanistan. The West also narrowly succeeded in getting Commission action on Poland and Iran in 1982. [There were also] several important Western-sponsored resolutions adopted by consensus—involving the

[12] Lanne Wiseberg, ed., *Human Rights Internet Reporter*, 9 (September–November 1983): 58–59.

[13] "Free:" Australia, Canada, Costa Rica, Cyprus (Greek sector), France, West Germany, Greece, Italy, Netherlands, United Kingdom, Denmark, Fiji, India, Japan, Peru, United States. "Partly Free:" Panama, Philippines, Uganda, Uruguay, Zimbabwe, Brazil, Gambia, Mexico, Senegal, Zambia. "Not Free:" Algeria, Bulgaria, Ethiopia, Jordan, Rwanda, Syria, Zaire, Argentina, Byelorussia, China, Cuba, Ghana, Pakistan, Poland, Togo, Soviet Union, Yugoslavia. See comment in footnote 11.

[14] Philip Alston, "The alleged demise of political human rights at the UN: a reply to Donnelly," *International Organization* 37 (Summer 1983): 537–546; van Boven in Cassese, 90.

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appointment of special rapporteurs on mass exoduses and summary or arbitrary executions and studies on the role of the individual in international law.[15]

The key to these and other developments within the commission has been the role of Third World states which are truly nonaligned. They have voted their concern for self-determination in Kampuchea and Afghanistan, and they have also voted for economic rights and against racial discrimination.[16] Some Third World states like Senegal have been vigorous and balanced in their attention to human rights violations. Evidently a number of Third World states are genuinely interested in human rights, even civil and political rights. Daniel Patrick Moynihan, the former U.S. Ambassador to the United Nations, noted that one of the merits in framing issues in terms of human rights, rather than democracy pure and simple, was that a state did not have to be a democracy to pursue the subject with some real interest.[17] Of course some Third World states of various ideological stripe have sought to limit the activity of the commission. For example, Pakistan, India, and Ethiopia have all taken restrictive positions in commission debates at one time or another. And any Third World state will seek to block attention to its own transgressions.

Yet in the final analysis Third World support for western positions, and vice versa, has allowed the commission to do as much as it has. Since 1978 the commission has been publishing a "Black List" of states which have been the subject of private complaints as noted confidentially by the subcommission. Over time this list has shown considerable balance.[18] To be sure, it is correct to observe that this "Black List" is a very weak form of pressure; specifics about the subject of the complaint are not provided. A working group of the commission has been focusing in a balanced way on states in which persons "disappear" by forceful action.[19] A summary statement about the commission seems accurate:

Representatives continue to assert the principle of non-intervention when it suits their national interest, but in practice most members of the Commission have supported some initiatives to protect the human rights of citizens against violation by their own governments . . . the Commission has systematically reviewed confidential communications alleging violations by members . . . the Commission has expanded its concern for violations far beyond the early narrow focus on South Africa and Israel and has reviewed allegations involving over thirty states. Members and NGOs now disregard the

[15] Tolley, "The United Nations Commission."

[16] Ibid.

[17] Daniel Patrick Moynihan, *A Dangerous Place* (Boston: Little, Brown and Co., 1978), 281.

[18] Through the spring of 1984 the following states had been targeted: Albania, Argentina, Benin, Bolivia, Burma, Chile, Equatorial Guinea, Ethiopia, Greece, Indonesia, Iran, Malawi, Nicaragua, Paraguay, South Korea (not a UN member), South Africa, Uganda, Uruguay, Soviet Union.

[19] Through the spring of 1982 the following states had been targeted: Argentina, Bolivia, Brazil, Chile, Cyprus, El Salvador, Ethiopia, Guatemala, Guinea, Honduras, Indonesia, Iran, Lesotho, Mexico, Nicaragua, Philippines, Sri Lanka, Uganda, Uruguay, Zaire, South Africa, Namibia. Interestingly, the Working Group was made up of three "Not Free" states (Ghana, Pakistan, Yugoslavia) and two "Free" ones (Costa Rica, United Kingdom).

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former taboo against attacking states by name in public debate and make sweeping public indictments. After thirty years, the Commission has become the world's first intergovernmental body that regularly challenges sovereign nations to explain abusive treatment of their own citizens.[20]

The Economic and Social Council (ECOSOC) receives the reports of the Human Rights Commission as well as state reports under the U.N. Covenant on Economic, Social, and Cultural Rights—a treaty now in legal force in about eighty states. In this part of the United Nations system there does not at first glance seem to be striking change in the treatment of human rights. The conventional wisdom has been that on human rights ECOSOC functions as a "post office," carrying mandates from one body to another.[21] A recent analysis by an insider argued that ECOSOC was still giving "very superficial scrutiny" to state reports on socio-economic rights and had failed to develop or borrow standards by which to observe violations.[22] Yet within ECOSOC several further points can be noted, even if ECOSOC votes reflect decisions made in the commission or subcommission.

In the late 1960s Third World states pushed for specific attention to human rights violations by South Africa and Israel in many parts of the United Nations system. Stimulated by reports not only from the Human Rights Commission but also from the U.N. Special Committee on Decolonization, ECOSOC passed E/RES/1235 in 1967. This resolution—originally intended only for situations of racism, colonialism, and alien domination but amended by the West to include other human rights violations—authorized ECOSOC's suborgans to deal with specifics revealing a pattern of gross violations of human rights. The following year an effort to close the barn door failed; ECOSOC again refused to limit the scope of 1235 to only some violations of human rights, and thus the Human Rights Commission and its subcommission were authorized to take up specific patterns with full publicity.[23]

Three years after the passage of 1235, ECOSOC adopted E/RES/1503 which permitted its suborgans to deal with private communications alleging violations of human rights. This resolution permitted NGOs as well as individuals—anyone with direct and reliable knowledge—to lodge an allegation confidentially with the Secretariat, which then passed a sanitized version to the subcommission for possible future action.

The result of these two resolutions in ECOSOC was to make possible the expanded activity of the Human Rights Commission and Subcommission. Specifics could be pursued and private information could be formally utilized.

[20] Tolley, "The United Nations Commission."

[21] James Frederick Green, "Changing Approaches to Human Rights: The United Nations, 1954 and 1974," *Texas International Law Journal* 12 (Spring/Summer 1977): 223.

[22] Alston, "The alleged demise." See also his "The United Nations' Specialized Agencies and Implementation of the International Covenant on Economic, Social and Cultural Rights," *Columbia Journal of Transnational Law* 18 (1979): 79–118.

[23] Tardu, "United Nations Response."

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There was both a public and a confidential process, although the two did not always remain distinct. The point worth stressing is that certain Third World and western states succeeded in authorizing more serious attention to human rights. An effort by the East Europeans and other Third World states to keep the process limited to the international pariahs was not successful. The margin of success for the majority was very small on both resolutions. They key to the majority, in addition to western states, was certain Third World states which sought a balanced approach to human rights protection.[24]

General Assembly. Much has already been written about the General Assembly and its standing committees regarding human rights. A widespread impression, supported by a number of facts, is that the Assembly has "politicized" human rights by employing double, unfair, or unacceptable standards. Israel is publicly and harshly criticized by a special committee made up of three states that do not even have formal diplomatic relations with the Jewish state. Yet the Soviet Union's gulag is never formally condemned by the UN bodies discussed in this article. The litany about the tyranny of the majority in the General Assembly is too well known to require restatement. Considerable attention has also been given to the view that the majority has tried to erase serious attention to civil and political rights by elevating social and economic rights to a place of exclusive priority.[25]

I will suggest a counter thesis and give just one example as evidence. Much is wrong with the General Assembly's treatment of human rights. Politics controls; equity suffers. Increasingly, however, one sees in the Third Committee on Social and Humanitarian Affairs the same alignment on votes that one finds in other UN bodies—namely, ECOSOC and the Human Rights Commission. The result is improved balance in the treatment of human rights produced by the western and Third World coalition noted earlier. Take the following example.

In 1982 in the Third Committee there was another doctrinal debate about the priority of rights. As the representatives of both New Zealand and Senegal noted, the debate was about the balance between individual and collective socio-economic rights. An Irish resolution emphasized the former, a Cuban the latter. The crux of the matter came down to whether each resolution could be adopted without distorting amendments, thus signifying that each type of right had importance. The Cuban resolution was voted upon first and adopted by 104-1 (U.S.) with 24 abstentions (mostly western). The Irish resolution was finally adopted 75-30-22. Voting with the West in the majority were forty-six nonaligned states.[26]

[24] Ibid.

[25] Jack Donnelly, "Recent Trends in UN Human Rights Activity: Description and Polemic," *International Organization* 35 (Autumn 1981): 633–655.

[26] Bahamas, Barbados, Botswana, Burma, Chad, Colombia, Costa Rica, Cyprus, Democratic Kampuchea (represented by the Pol Pot faction), Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Gabon, Guatemala, Ivory Coast, Jamaica, Kenya, Lesotho, Liberia, Malawi, Mali, Mexico, Morocco, Nepal, Niger, Papua New Guinea, Paraguay, Peru, Philippines, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Thailand, Trinidad and Tobago, Tanzania, Upper

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A similar alignment carried the day on paragraph 12 of the Irish resolution which authorized a study of the mandate for a possible High Commissioner for Human Rights.

As on any vote in any political body, no one simple reason explains a coalition. The list of those voting for the Irish resolution does not reflect a club of the pure on civil and political rights. Paraguay, for example, voted for it. Despite the fact that the Cuban resolution was assured passage and the Irish was not, the end result was that individual civil and political rights received equal formal endorsement. This was made possible by the number of Third World states that were not prepared to endorse in principle a one-sided approach to human rights.

Security Council. The Security Council has not been generally linked to the protection of human rights. But, on the two occasions when the Council reached a "decision" in relation to the Charter's Chapter VII concerning enforcement action, the real issue at stake was human rights. The decision in the 1960s to consider Ian Smith's Unilateral Declaration of Independence in Rhodesia as a threat to peace meriting mandatory economic sanctions was a decision designed to implement the right to self-determination for the majority in what was to become Zimbabwe. That right is the first right listed in each of the two general UN Covenants on Human Rights. The decision in the 1970s to consider arms traffic with South Africa as a threat to the peace requiring a mandatory ban on such traffic was an indirect approach to the subject of apartheid as a gross violation of internationally recognized human rights, and perhaps as a violation of self-determination as well. Especially with regard to South Africa and Namibia, the Council has called upon states to implement the principles contained in the Universal Declaration of Human Rights. As a member of the Secretariat has observed, in these actions the Council "treated respect for the basic provisions of the Declaration as a legal obligation of States as well as of their nationals."[27]

The Reasons

It can be seen from the preceding incomplete synopsis that the United Nations has changed with respect to human rights. What are the underlying reasons for this change? At least five sets of factors contributed to this modification.

States' Foreign Policies. A view with some popularity in the 1980s is that events unfold at the United Nations according to a struggle between the United States and the rest of the world.[28] Therefore, any progress on human rights ques-

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Volta, Uruguay, Venezuela, Zambia, Zimbabwe. Voting with the East Europeans in the minority were: Afghanistan, Algeria, Angola, Argentina (under military rule), Congo, Cuba, Democratic Yemen, Laos, Libya, Madagascar, Mongolia, Pakistan, Syria, Vietnam. Other states abstained, including Ethiopia and Nicaragua. A/C.3/37/SR.60, December 1982, 7, 17–19.

[27] Egon Schwelb and Philip Alston, "The Principal Institutions and Other Bodies Founded Under the Charter," in Vasak, ed., *The International Dimensions*, 262.

[28] Richard Bernstein, "The United Nations vs. The United States," *New York Times Magazine*, 22 January 1984, 18. (On human rights see especially 25–26).

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tions results from the quality of the diplomacy of the U.S.-led West. This view is overstated, although it is correct in a certain sense.

The Soviet bloc, joined by some Third World states, has been consistently hostile to international civil political rights and to any meaningful UN review process. The Soviet interpretation of human rights under Marxism, one that is inhospitable to the prima facie meaning of UN instruments, is stated openly.

> The political freedoms—freedom of the press, of expression, of assembly—are interpreted from class positions as conditions of the consolidation of the working people and the spread of socialist ideology which rules out the 'freedom' of anti-socialist propaganda, the freedom to organize counter-revolutionary forces against the fundamentals of socialism.[29]

Thus the individual has the right to say and do only what the party-state decrees is progressive for socialism. The Soviet-led socialist bloc will try to avoid real supervision of its rights policies by a nonsocialist review body. The Soviet Union has maintained this dual position from 1947 when it opposed having the UN Human Rights Commission made up of uninstructed individuals, and 1948 when it first tried to postpone and then finally abstained on the vote on the Universal Declaration, to the 1980s when it argued that the UN Human Rights Committee should have no real control over states' interpretation of the Civil-Political Covenant. The member of that committee from East Germany even argued that the committee had no right to take any action whatsoever when a state failed to submit a required report.[30] On issue after issue during the first forty years of the United Nations, the Soviet Union and its allies, joined occasionally by such non-Marxist authoritarian states as Pakistan and the Philippines, tried to suppress attention to international civil-political rights and to vitiate real UN supervision of rights policies.

The Soviets and their shifting bedfellows on human rights have not always, or even fundamentally, triumphed at the United Nations because of two factors. First, other states have displayed an equally persistent interest in a different interpretation of civil and political rights (as well as a real interest in socio-economic rights) and have fought for a genuine review process at the UN One thinks primarily of the Scandinavian states, but also at times the United States, the rest of the western coalition, and some Third World states.

Second, a self-serving interpretation equal to that of the Soviets by some U.S. administrations has offset the Soviet position and in a dialectical process caused a number of states to seek a compromise leading to a certain type of progress. If the Soviet Union consistently displayed a double standard in favor of socialist states, so the United States at times manifested a double standard in favor of authoritarian and capitalist states aligned with it. When a rapporteur for the subcommission wrote a report criticizing economic relations which supported

[29] Vladimir Kartashkin, "The Socialist Countries and Human Rights," in Vasak, ed., *The International Dimensions*, 633.

[30] CCPR/C/SR.201, 24 March 1980, 4-5.

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the governing junta in Chile after 1973, the United States helped suppress it.[31] When resolutions were introduced in various UN organs criticizing gross violations of human rights in El Salvador and Guatemala, the United States voted against them.[32] At one point the U.S. voted against a commission study on the right to food,[33] and the U.S. was the only government to vote against World Health Organization voluntary guidelines designed to protect mothers and infants from questionable marketing practices by the Nestlé Corporation. The Reagan administration likes to publicly castigate leftist governments such as Cuba's while remaining silent about mass political murder by governments of the right such as Argentina's. U.S. Ambassador Jeane Kirkpatrick had written approvingly of such double standards.[34] Thus an American double standard, an American self-serving bias could be and was observed at the United Nations.[35] This provided a counterpoint to the Soviet position.

Because some states were genuinely interested in a cosmopolitan human rights program and sought a compromise between the self-serving positions of the superpowers, states' foreign policies greatly contributed to the alteration of the United Nations' record on human rights. State hypocrisy, narrow self-interest, and blatant double standards, along with more cosmopolitan forces, combined to produce a certain progress over time.[36]

Nongovernmental Organizations (NGO). One of the main reasons why the United Nations record on human rights is different in the 1980s from the earlier days is because of the activity of nongovernmental international organizations. Groups such as Amnesty International, the International Commission of Jurists, the International League for Human Rights, and others have been creative and energetic in keeping the pressure on states to acknowledge and then implement international human rights standards.

NGO information started various UN organs down the path of a slow but eventually interesting treatment of human rights violations in Equatorial Guinea in the 1970s. Confidential NGO information was provided to the subcommission, and eventually the commission sent a rapporteur for an in-country visit which led to a public report critical not only of the fallen regime but of the cur-

[31] Tolley, "The United Nations Commission."

[32] *United Nations Chronicle*, 20 (June 1983): 28.

[33] *United Nations Chronicle*, 20 (July 1983): 80.

[34] Jeane Kirkpatrick, *Dictatorships and Double Standards* (Washington, D.C.: American Enterprise Institute, 1982).

[35] If the American double standard was particularly pronounced during the Reagan administration, in fairness it should be noted that in 1974 Rita Hauser, a former representative to the UN Commission, testified in Congress that the U.S. frequently used a double standard at the UN House of Representatives, Committee on Foreign Affairs, *Report of the Subcommittee on International Organizations*, "Human Rights in the World Community: A Call to Leaderhsip," (Washington, D.C.: U.S. Government Printing Office, 1974), 10, 11. See also Tolley, "The United Nations Commission."

[36] On the subject of how state hypocrisy can lead to beneficial change, see Louis Henkin, "The United Nations and Human Rights," *International Organization* 19 (Summer 1965): 514.

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rent one as well. NGO pressure after the passage of E/RES/1235 quickly broadened the subcommission's focus beyond Israel and South Africa; information was submitted on Greece then under military rule and also on Haiti. NGOs successfully pushed for passage of E/RES/1503 permitting confidential communiques of broad scope. They kept the pressure on states to do something about the growing problem of torture, and pushed successfully for a special group on disappeared persons. NGO reports are used openly by the Committee of Experts under the Racial Discrimination Convention. In the Human Rights Commission their information is referred to formally by Secretariat reports. In the Human Rights Committee it is now acknowledged that members can informally use NGO reports as a basis for questioning the accuracy of state reports.[37]

Nongovernmental organizations have been so active on human rights at the United Nations that various states have threatened to curtail their activity, sometimes succeeding, but more often failing. The Soviet Union, for example, tried unsuccessfully to exclude NGO reports from ECOSOC and its suborgans.[38] Other threats have been made (by Argentina and Iran, for example) to deny a NGO group consultative status, but these have not been carried out. The very fact that NGOs are attacked suggests that these groups are taken seriously by states. Several observers believe that NGO activity is essential for continued efforts at protecting human rights.[39]

Secretariat. Members of the Secretariat have contributed to the changing United Nations record on human rights, from the Secretary-General down through the Directors (now Assistant Secretaries-General) for Human Rights to the Secretariat officials who service the various human rights working groups. The five Secretaries-General to date have been supportive of human rights to varying degrees. On a number of occasions the Secretary-General has used his good offices for quiet diplomacy designed to correct some human rights problem.[40] Publicly they have endorsed the cause, as when Javier Pérez de Cuéllar said in his 1983 Annual Report, "In the common quest to realize the ideals and objectives of the Charter, we must never lose sight of the quality of the world we are seeking to build and of the ultimate raison d'etre for all our objectivities: the individual human being . . . ."[41]

[37] The literature on NGOs has grown voluminously. Particularly enlightening for this essay were: Virginia Leary, "A New Role for Non-governmental Organizations in Human Rights," in Cassese, 197–210; Nigel S. Rodley, "The Development of United Nations Activities in the Field of Human Rights and the Role of Non-Governmental Organizations," in Gati, 263–282; Chiang Pei-Leng, *Non-Governmental Organizations at the United Nations: Identity, Role, and Function* (New York: Praeger Publishers, 1981).

[38] Alston, in *Santa Clara Law Review*, 559.

[39] David P. Forsythe, *Human Rights and World Politics* (Lincoln: University of Nebraska Press, 1983).

[40] B. G. Ramcharan, "The Good Offices of the United Nations Secretary-General in the Field of Human Rights," *American Journal of International Law* 76 (January 1982): 130–141.

[41] *United Nations Chronicle*, 20 (October 1983): 78.

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The head of the human rights division (now centre) in the Secretariat has always been a westerner: John P. Humphrey of Canada, Marc Schreiber of Belgium, Theo van Boven of the Netherlands, and Kurt Herndl of Austria. Van Boven was perhaps the most assertive, so much so that he was dismissed by de Cuéllar after conflicts with certain states like the Soviet Union and militarily-ruled Argentina which was diplomatically supported by the U.S.[42] Humphrey was highly active in a somewhat more diplomatic way, playing a key role in the drafting of the Universal Declaration, suggesting ideas to states who then pursued them through the United Nations system, and strongly defending civil and political rights as traditionally understood by the West.[43] Schreiber was perhaps less dynamic than van Boven or Humphrey, although these things are difficult to prove given the possibility of extensive quiet diplomacy. Herndl has held his position for only a short duration at the time of writing.

Uninstructed Individuals. Individuals, especially those on the subcommission and the Human Rights Committee must be given credit for contributing to increased efforts at specific protections. There are other uninstructed bodies not given adequate attention in this article because of lack of space: the Committee of Experts under the Racial Discrimination Convention, the Commission on Women, the Commission on Discrimination Against Women, the Committee of Experts, the Freedom of Association Commission of the International Labor Organization, and the office of the High Commissioner for Refugees (HCR). The HCR is perhaps the UN uninstructed agency given the highest marks for its human rights work and it merits extended analysis. On all these bodies there have been individuals keenly interested in the protection of human rights. They have generated some influence, impossible to measure in the aggregate. A number of these persons have come from the Third World.

World Public Opinion. One can certainly overstate the importance of the hoary idea of world public opinion. Even so, I think it prudent to note what other scholars have observed. "National political leaders have to reckon with the possibility, and on occasion the reality, that powerful voices in their own societies will echo the words of the General Assembly, as they have done on issues of colonialism, human rights . . . and humanitarian assistance."[44] If this is what is meant by world public opinion, then there is probably a process at work that bears noting and merits more research attention in the future.

It seems highly probable, but not proven in all cases, that various public groups draw some of the inspiration and legitimacy for their human rights activity from United Nations resolutions, declarations, and conventions. Various

[42] Other reasons may have contributed to his dismissal. Some of his candid views are found in Theo C. van Boven, *People Matter: Views on International Human Rights Policy* (Amsterdam: Meulenhoff, 1982).

[43] John P. Humphrey, *Human Rights and the United Nations: The Great Adventure* (Dobbs Ferry, N.Y.: Transnational Publishers, 1983); excerpts published as "The Memoirs of John P. Humphrey . . .," *Human Rights Quarterly* 5 (November 1983).

[44] Gordenker, "Development of the U.N. System," 33.

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groups in Eastern Europe refer to these documents, as well as to others such as the Helsinki Accord. Human rights groups in Argentina did the same in addition to relying on human rights instruments under the Organization of American States. Obviously there is some overlap between what is called world public opinion and the impact of nongovernmental organizations. Yet there exist some groups and private citizens who do not act directly through the United Nations system but who are active at home in demanding that their governments abide by global, United Nations standards on human rights. In that sense there is something which passes for world public opinion, weak and uneven in distribution, but extant and possibly even growing. There is fragmentary evidence that even in closed societies governments are asked by some of their citizens to observe the human rights standards endorsed at the United Nations.

The Significance

The significance of United Nations activity on human rights can be discussed according to immediate and long-term effects. The immediate impact is usually slight, for the United Nations does not primarily bring about direct protection, although such efforts exist from time to time: telegrams to Malawi; public reports about specific individuals in Uruguay; public debates about specific policies, states, and persons; special reports about Equatorial Guinea. These efforts of direct protection will continue; states, individuals, and groups will pressure the United Nations to take short-term action on particular problems.

There is not much evidence, however, that such human rights protection activity by the UN bodies discussed in this article has had much impact on target states, at least in the short run. In some cases negative and public approaches have backfired, as when Augusto Pinochet's Chile in the 1970s used United Nations pressure about human rights violations to produce a national plebiscite endorsing his military regime. While one can chart some cosmetic change in South Africa in terms of abandonment of petty apartheid, it is difficult, if not impossible, to find decisive change in the states targeted by the United Nations for human rights abuses, much less information which would allow one to attribute any change directly to the United Nations. Furthermore, when a ruling group is determined to consciously violate human rights, it is doubtful that any international arrangement short of armed intervention will bring an end to these violations. Witness Greece under the colonels, Argentina under the junta, the USSR since 1917.

The bulk of United Nations activity on human rights is not designed to produce short-term change. The Human Rights Committee's main activity is to produce a record of *patterns* over time drawn from states' reports and members' questions. Under E/RES/1503, confidential communications and the subcommission's analysis are supposed to deal with patterns of gross violations of human rights. The commission's publication of a "Black List" devoid of specifics is designed to focus on certain states *over time*. What would be required

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for successful direct protection? The authority to command violating parties to do otherwise? The ability to enforce such a command? Overwhelming political pressure directed to human rights violations to the exclusion of other interests? No United Nations human rights body has such authority and power. Only the Security Council comes close, and even its power to enforce is tenuous as seen in the history of economic sanctions on Rhodesia.

Those most familiar with the United Nations and human rights understand that the organization does not normally utilize its authority and power for direct protection.[45] As a general rule, only states and a few international agencies have the capacity to attempt direct protection: the European Court and Commission on Human Rights, the Inter-American Commission on Human Rights, the International Committee of the Red Cross, and the United Nations High Commissioner for Refugees.[46] The United Nations' primary raison d'etre in the human rights field is long-term and can be viewed in two ways. One can say that the sum total of UN activity is supposed to socialize or educate actors into changing their views and policies on human rights over time toward a cosmopolitan human rights standard as defined by United Nations instruments. Or one can say that the sum total of UN activity is to dispense or withhold a stamp of legitimacy on member states according to their human rights record.

A version of the latter view has gained some currency in American circles in the 1970s and 1980s. Ambassadors Moynihan and Kirkpatrick, among others, have charged that the United Nations is a dangerous place where a majority attempts to delegitimize the western democracies while legitimizing their own violations of civil and political rights in the name of economic development.[47] This article demonstrates that the Moynihan-Kirkpatrick thesis is essentially correct when applied to Soviet bloc and some Third World states, but that it is not accurate as a description of the over-all United Nations record on human rights.

[45] See especially John Gerard Ruggie, "Human Rights and the Future International Community," *Daedalus*, 112 (Fall 1983): 93–110, and N. G. Onuf and V. Spike Peterson, "Human Rights and International Regimes," *Journal of International Affairs* 37 (Winter 1984): 329-f. See also Henkin, "The United Nations and Human Rights;" Tardu, "United Nations Response;" Helge Ole Bergesen, "The Power To Embarrass: The UN Human Rights Regime Between Realism and Utopia," paper presented to the International Political Science Association (IPSA) World Congress, Rio de Janeiro, Brazil, August, 1982; and N. G. Onuf and V. Spike Peterson, "Human Rights from an International Regimes Perspective," paper presented to ISA convention, Mexico City, April 1983.

[46] Direct protection has never been defined legally or analytically. It may be a phenomenon known when seen but resistant to precise definition. All international regimes or agencies that seek direct protection activities depend to some extent on state cooperation. This dependence does not denigrate direct protection. See Onuf and Peterson, "Human Rights and International Regimes." The key is that a human rights actor trying direct protection seeks immediate and specific change either by command—the European Court of Human Rights—or by diplomatic action—the European and Inter-American Commissions—or by administrative action combined with diplomacy—the ICRC and HCR.

[47] Moynihan, *A Dangerous Place*, 11; and Jeane Kirkpatrick, *The Reagan Phenomenon* (Washington, D.C.: The American Enterprise Institute, 1983).

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It does seem correct to highlight the socialization process and the dispensing of legitimacy, which are two sides of the same coin, as the main activity of the United Nations in the human rights area. It can be persuasively argued that in some cases – for example, Anastasio Somoza's Nicaragua, the Shah's Iran, perhaps Ferdinand Marcos's Philippines – the ruling regime lost its legitimacy in the eyes of important actors because of human rights violations. The United Nations' definition of human rights, along with other international standards and actors, probably contributed to the process.[48]

The examples above might suggest that primarily non-Marxist authoritarian states have the most to fear from attention to international standards of human rights. Certainly the major democratic states have shown periodic discomfort about their close alignments with human rights violators. Yet it also seems true that Marxist states have problems of legitimacy and do not fare well when international sources of legitimacy are denied. Surely those who rule Poland have not been helped by persistent condemnation by the International Labor Organization (ILO), not to mention sporadic censure by the UN Human Rights Commission. There are a number of Soviet specialists who believe that achieving international legitimacy is still a pressing problem and priority for the Soviet Union itself,[49] not to mention Nicaragua under the Sandinistas.

The importance of United Nations activity on human rights lies in this long-term socialization process in which one source of legitimacy is given or withheld according to human rights performance. Any number of states are in need of the United Nations' stamp of approval, or in need of avoiding its disapproval, although all have other sources of legitimacy such as their own traditions, performance, and internal procedures. A feature which weakens United Nations impact is the disorganized state of its human rights endeavors. The various rights agencies are not well coordinated *inter se* or with the General Assembly.

At some point the long-term effects of the UN must become short-term if the organization is to show real impact on states and individuals. Socialization and manipulation of legitimacy must change specific behavior and must lead to direct protection by some actor if the United Nations is to manifest real significance for human rights. In a few situations this linkage can be demonstrated. In the case of *Filartiga v. Peña Irala* in the United States, a federal court held torture to be prohibited by customary international law, using United Nations instruments and actions as part of its legal reasoning.[50] This case opened the possibility of specific prosecution for torturers of any nationality who appear in the jurisdiction of the United States. Other courts in the U.S. have also used

[48] Moynihan talks of the UN as a repository of "ideological authority," 12. For a discussion of international human rights as a new standard of legitimacy with the potential to transcend debates over democratic capitalism versus authoritarian Marxism see Forsythe, *Human Rights*, chap. 6.

[49] Seweryn Bialer, "The Soviets May Actually Want a New Cold War," *The Washington Post National Weekly Edition*, 6 February 1984.

[50] U.S. Court of Appeals, 2nd Circuit, 30 June 1980, No. 79-6090. 630 F. 2nd 876. A synopsis can be found in *The American Journal of International Law*, 75 (January 1981): 149–153.

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United Nations instruments and activity on human rights as part of their decisions.[51] Other states beyond the U.S. show some influence from UN instruments in their legal and administrative decisions.[52] Politically it is clear that various groups and individuals refer to events at the United Nations to justify their existence and activity, and it is highly likely that in areas like the Southern Cone of South America in the 1980s the United Nations—along with other bodies—had a real if indirect impact on human rights and even the structure of national politics.

A smattering of evidence suggests that United Nations activity on human rights can have some real impact over time in changing behavior by contributing to direct protection by national authorities. Other evidence suggests that in other situations United Nations activity has very little, if any, impact.[53]

Conclusion

We do not lack for criticism of the United Nations when it comes to human rights. Already noted was the Kirkpatrick-Moynihan thesis, as well as the argument that socio-economic matters are being used to exclude attention to civil and political rights. Ernst Haas writes that UN efforts to implement human rights standards "do not work."[54] Richard Ullman concludes that "the UN human rights machinery has become so politicized as to be almost completely ineffective for either monitoring or for enforcement."[55] Moses Moskowitz reminds us that the United Nations' standards on human rights remain vague and their supervision weak.[56]

Facts support these views, some of which have not been emphasized here either for lack of space or because this conventional wisdom is widely known. The United Nations review system is neither so streamlined nor so authoritative as that under the European Convention on Human Rights.[57] United Nations core

[51] This has been especially true on refugee and immigration matters. See Gilburt D. Loescher and John A. Scanlan, "The Global Refugee Problem: U.S. and World Response," *The Annals*, 467 (May 1983). More generally see James C. Tuttle, ed., *International Human Rights Law and Practice* (Philadelphia: American Bar Association, 1978).

[52] See especially Louis Henkin, ed., *The International Bill of Rights: The Covenant on Civil and Political Rights* (New York: Columbia University Press, 1981), chap. 13.

[53] In an important study Ernst Haas shows that ILO activity in behalf of freedom of association failed to alter the policies of a number of states, especially those in Eastern Europe. See Ernst Haas, *Human Rights and International Action* (Stanford, Calif: Stanford University Press, 1970).

[54] Ernst Haas, "Human Rights: To Act or Not to Act?," in Kenneth A. Oye et al., *Eagle Entangled* (New York: Longman, 1979), 188.

[55] Richard Ullman, "Human Rights: Toward International Action," in Jorge I. Domínguez, et al., *Enhancing Global Human Rights* (New York: McGraw-Hill, 1979), 10.

[56] Moses Moskowitz, "Implementing Human Rights: Present Status and Future Prospects," in B. G. Ramcharan, ed., *Human Rights: Thirty Years After the Universal Declaration* (The Hague: Martinus Nijhoff, 1979), 109–130.

[57] Michael O'Boyle, "Practice and Procedure under the European Convention on Human Rights," *Santa Clara Law Review* (Summer 1980): 697–732.

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procedures are less developed and less effective than those used by the ILO.[58] Some UN bodies have been less dynamic than the Inter American Commission on Human Rights.[59] Information from nongovernmental organizations is more formally employed in some international regimes such as the European Social Charter and the European Convention on Human Rights.[60] After all, even the League of Nations permitted individual petitions and accorded nongovernmental organizations a good deal of formal status on human rights.[61]

And yet there is a second view. Antonio Cassese remarked that much criticism of the United Nations is "largely unfounded."[62] In the same vein, Louis Henkin argued that "disappointment may reflect unwarranted expectations."[63] Both of these authors speak to the point stressed by John Gerard Ruggie: United Nations activity and "international human rights instruments are designed not to provide human rights or to enforce human rights provisions, but to nudge states into permitting their vindication."[64] Or, in Henkin's words, "For the most part, human rights can only be promoted indirectly" by the United Nations.[65]

This article has shown in some detail that the second view can be supported by a number of facts, even if the first view remains correct in its own way. Even if there has been inequitable treatment of human rights in the General Assembly and even if there has been a lack of sustained success in direct protection efforts, there has been a marked and improved record of treating human rights in the other organs of the United Nations system, even at times in ECOSOC and the Third Committee. This improved record holds the promise of a more equitable dispensation of legitimacy from the United Nations. The process of socialization in pursuit of a cosmopolitan understanding of human rights, however, could be undone by concerted attack by member states.

There is a formal human rights regime associated with the United Nations, despite the fact that expectations of important parties are dissimilar. The Soviet Union does not accept an international standard on civil and political rights, and the Reagan administration does not accept the existence of socio-economic rights.[66] Yet a core coalition of states drawn from the industrialized democracies

[58] Ernest A. Landy, "The Implementation Procedures of the International Labor Organization," in *Santa Clara Law Review* (Summer 1980): 633–663. And Haas, *Human Rights.*

[59] Lawrence J. LeBlanc, *The OAS and the Protection of Human Rights* (The Hague: Martinus Nijhoff, 1977).

[60] The review process especially under the European Social Charter makes extensive and formal use of NGO information. See A. H. Robertson, *Human Rights In the World*, 2nd ed., (New York: St. Martin's Press, 1982), 197–211.

[61] Chiang Pei-Leng, *Non-Governmental Organizations*, chap. 2.

[62] Antonio Cassese, "Progressive Transnational Promotion of Human Rights," in Ramcharan, ed., *Human Rights: Thirty Years*, 249.

[63] Henkin, "The United Nations and Human Rights," 507.

[64] Ruggie, "Human Rights," 106.

[65] Henkin, "The United Nations and Human Rights," 514.

[66] David P. Forsythe, "Socioeconomic Human Rights: The United Nations, the United States, and Beyond," *Human Rights Quarterly*, 4 (Fall 1982): 433–449.

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and from the truly nonaligned Third World have repeatedly acted together to maintain the United Nations human rights regime and to try to embarrass states that violate its rules.[67] The various mechanisms of the regime remain somewhat chaotic, since not all supervising bodies or decision-making organs act in concert. Warts and all, in the last analysis a "tutelary regime" associated with the United Nations seeks to improve human rights policies by states.[68] The Peña case, *inter alia*, shows clearly that this indirect protection can eventually have discernible effect.*

[67] On the role of the UN in embarrassing states see Bergesen, "The Power To Embarrass;" and also Ruggie, "Human Rights."

[68] See especially Onuf and Petersen, "Human Rights and International Regimes."

* An earlier version of this article was presented at the 1984 Annual Convention of the International Studies Association. I am grateful for comments obtained at that meeting. I am especially appreciative of comments from Theo C. van Boven, former Director of Human Rights for the United Nations; Vojin Dimitrijevic, a member of the UN Human Rights Committee; as well as Lawrence Finkelstein, Howard Tolley, and my research assistant Lawrence Chang. The article also benefited from the constructive comments of the referees chosen by this journal.

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The FBI and the American Legion Contact Program, 1940–1966

ATHAN THEOHARIS

Historians of twentieth-century American politics have sharply contrasted the federal government's repression of dissident activities during World War I with its general tolerance of civil liberties during World War II. The exception was the internment of Japanese-Americans; but in that case racial considerations were more important than antiradical intolerance. As one reason for this difference, some historicans have cited the government's nonreliance on private vigilante organizations during World War II, in contrast to the formal relationship with the American Protective League (APL) during World War I. Operating as a private vigilante organization with a publicly sanctioned mission, conservative members of the APL investigated American citizens involved in "unpatriotic" trade union and antiwar activities. Some even stepped beyond this line to arrest individuals, without legal authority, for failing to comply with draft registration requirements. Summarizing this general consensus in her thoughtful study of the APL, historian Joan Jensen has claimed that one positive legacy of World War I repression was that federal officials refrained during World War II from recruiting private "patriotic" organizations to investigate dissident activities.[1]

[1] On civil liberties during World War II, see Richard Polenberg, *War and Society: The United States, 1941–1945* (Philadelphia: Lippincott, 1972), 37–72; Richard Lingeman, *Don't You Know There's a War On?* (Baltimore: Putnam, 1971), 28, 339, 366, 373–74, 406–407, 410–19; Geoffrey Perrett, *Days of Sadness, Years of Triumph: The American People 1939–1945* (New York: Coward,

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Research into recently declassified records, including those of the Federal Bureau of Investigation (FBI) and of the Roosevelt administration, has contributed to a revised assessment of civil liberties during World War II. The World War II period was not devoid of serious restrictions on civil liberties. Nor was President Franklin D. Roosevelt a committed civil libertarian. Roosevelt had solicited FBI investigations of his domestic criticis, whether conservative or radical. The President, moreover, tolerated and directly authorized the expansion of FBI surveillance activities, including intrusive investigative techniques such as wiretapping—even though Section 605 of the Federal Communications Act of 1934 formally prohibited wiretapping. Whether the FBI complied with the intent and purpose of President Roosevelt's surveillance authorizations remains an unresolved question. There is no doubt that the FBI had received a direct presidential mandate to investigate American citizens and alien residents who criticized the Roosevelt administration's foreign and military policies.[2] Nonetheless, even this recent and more critical scholarship has suggested that federal surveillance of dissident activities during World War II remained limited and relatively circumscribed, creating neither the precedent nor the institutional means to insure continuance of such surveillance during the postwar period. Nor have those historians most critical of Roosevelt's civil liberties record documented the recurrence of World War I type private vigilante activities.

The recent release of the FBI's American Legion Contact Program policy file compels historians to reassess this benign interpretation of civil liberties and federal surveillance during the World War II years.[3] In addition, these documents record how the far-reaching institutional changes instituted during these years

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McCann and Geoghegan, 1973), 87–103, 216–30, 357–67; John Morton Blum, *V Was for Victory: Politics and American Culture during World War II* (New York: Harcourt Brace Jovanovich, 1976), 21–31, 45–52, 148–72; and Cabell Phillips, *The 1940s: Decade of Triumph and Trouble* (New York: Macmillan Co., 1976), 106–138. On World War I and the legacy of the American Protective League, see Joan Jensen, *The Price of Vigilance* (Chicago: Rand McNally, 1968), 295–296.

[2] Athan Theoharis, *Spying on Americans: Political Surveillance from Hoover to the Huston Plan* (Philadelphia: Temple University Press, 1978), 40–44, 65–76, 94–99, 120, 125–26, 157–60, 196–99, and idem, "The F. D. R. File: J. Edgar Hoover, Eleanor—and Herbert, Too?" *The Nation*, 20 February 1982, 200–201; Frank Donner, *The Age of Surveillance: The Aims and Methods of America's Political Intelligence System* (New York: Alfred A. Knopf, 1980), 56–65; Robert Goldstein, *Political Repression in Modern America* (Cambridge: Two Continents, 1978), 239–84; and Kenneth O'Reilly, "A New Deal for the F.B.I.: The Roosevelt Administration, Crime Control, and National Security," *Journal of American History* 69 (1982): 538–68.

[3] In his apologetic official study of the American Legion, Raymond Moley alludes elliptically to the FBI's American Legion Contact Program. Relying on Don Whitehead's *The FBI Story* (New York: Random House, 1956) Moley sketchily describes the initiation of this program in 1940. He does not accurately convey the scope and nature of the program's operation during the World War II years nor its reactivation in 1950. Commending the cooperative relationship and shared values of FBI and Legion officials, Moley cryptically refers to "a close liaison between the various agencies of the Legion and the FBI." Raymond Moley, *The American Legion Story* (New York: Duell, Sloan and Pearce, 1966), 260–61, 332–33, 358. Nor does Hoover, in his eulogistic foreword to Moley's book, even acknowledge this cooperative relationship. See pp. vii–viii.

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culminated after 1945 in the evolution of indiscriminate anti-communist politics and the independent role of the FBI. This policy file contains documents recording the major administrative decisions of senior FBI officials concerning this covert surveillance program. (In contrast, FBI field office reports based on actual contacts with and information received from American Legionnaires had already been destroyed on FBI Director J. Edgar Hoover's orders, some in 1947 and others in 1956.) These policy documents confirm that, as in World War I, FBI officials again relied on conservative activists to monitor dissent and insure internal order. In contrast to World War I, however, when the FBI-APL relationship was confined to the 1917–19 period, the FBI employed the American Legion Contact Program after 1940 to expand surveillance permanently by recruiting "reliable" American Legionnaires as FBI informers, or, in the bureau's parlance, "Confidential National Defense Informants." While FBI officials received little information of value from their American Legion contacts, the ability to recruit thousands of "confidential informants" radically expanded the FBI's surveillance of American dissidents. "Confidential National Defense Informants" were controlled and their surveillance activities targeted by FBI control agents. The American Legion's extensive contacts with conservative publicists and lawmakers also served to enhance the role and authority of the FBI during the cold war years. In this respect, the long-term significance of the FBI's American Legion Contact Program was to contribute to the permanent growth of the role and independence of the FBI after 1940.

Three developments may be summarized from the contents of the American Legion Contact Program policy file: first, FBI officials, when authorizing extensive surveillance of domestic activists, were motivated less by law enforcement and national security considerations than by a particular conservative ideology; second, attorneys general failed to oversee and monitor FBI programs and activities; and finally, by 1949 the FBI had become a more independent agency and was thus able to help legitimize and sustain anti-communist policies. Moreover, this covert program to recruit "confidential informants" and promote the bureau's influence had been instituted in 1940 and sustained until 1966 without the knowledge and authorization of the Congress (at any time), the attorney general (after 1940, although no attorney general knew of FBI Director Hoover's decision to recruit Confidential National Defense Informants), and the president (after 1945, if not in 1940).

The Wartime Contact Program

In June 1940, before United States military intervention in World War II and even before the administration's policy shift away from neutrality—symbolized by the destroyer-bases deal with Great Britain of September 1940—American Legion officers proposed to Attorney General Robert Jackson that the 11,000 American Legion posts be authorized to investigate "subversive activities" in their geographic areas and report their "findings to local law enforcement agen-

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cies." Jackson rebuffed this offer and instead counselled the Legion to refrain from any investigations and seek to reduce "mob violence and hysteria."[4]

FBI officials soon learned about the Legion's adverse reaction to the attorney general's brush-off. On 18 November 1940, B. Edwin Sackett, the Special Agent in Charge (SAC) of the FBI's New York field office (temporarily dispatched to Indianapolis), contacted FBI Director Hoover to urge an immediate bureau response to a Legion surveillance plan. Otherwise, Sackett wrote, the FBI would "lose" Legion support; Legion officers would simply institute a surveillance program on their own. To preclude implementation of an independent Legion program, Sackett recommended that the FBI propose an alternative plan, convene a special conference with American Legion, commanders, and

> through this conference develop reliable informants, outline the type of information the Bureau desires, and also tell the [Legion] Commanders when possible that we need them as confidential informants in certain situations, particularly stressing the need of informants in various plants.[5]

Hoover concurred with Sackett's recommendation, adding that he thoroughly sympathized with the Legion. The FBI director nonetheless concluded that Sackett's proposal required further refinement and would have to be cleared with the attorney general. He would personally attempt to secure Jackson's approval by 19 November. Legion officials were scheduled to meet that same day, and Sackett had requested Hoover's authorization to attend this meeting to brief them about his proposed alternative plan.

Hoover did brief Attorney General Jackson about Legion plans and Sackett's alternative proposal (that same day, 18 November). Emphasizing the Legion's resentment over Jackson's earlier dismissal of its proposal, Hoover reported that Legion officers intended to approve a "broad program" at their 19 November meeting

> whereby each American Legion camp will designate members of its group to investigate all information received concerning espionage, sabotage, subversive activities, un-American activities and all other matters related in any manner to the national defense. The American Legion members will report their investigative activity to the local and state police agencies, ignoring the Federal Bureau of Investigation entirely.[6]

Expressing concern over the "potential damage" whenever investigations were conducted by "inexperienced men" and the resultant adverse effect on the FBI's carefully planned "national defense" investigative programs, Hoover claimed

[4] Memorandum, FBI Assistant Director Alan H. Belmont to FBI Assistant Director D. Milton Ladd, 31 July 1950, FBI 66-9330-204.

[5] Memorandum, FBI Director J. Edgar Hoover to FBI Assistant Directors Edward A. Tamm and H. Hugh Clegg, 18 November 1940, FBI 66-9330-2. The "confidential informants" reference was not to Legionnaires volunteering information. This FBI phrase denoted an individual who was recruited as an informer, whose surveillance activities were targeted and controlled by an FBI agent, and who might have been paid for this service.

[6] Memorandum, FBI Director to Attorney General, 18 November 1940, FBI 66-9330-1.

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that the FBI's alternative program would "obtain for the Department of Justice the support of the American Legion and at the same time will keep the membership of that organization so occupied that there will be no attempt on the part of the members to carry on actual investigative activity."[7]

Hoover's memorandum on this meeting described Jackson's reaction as "personally he would much rather not do this but apparently something must be done." Jackson's approval, moreover, had been based on the understanding that the FBI intended to employ American Legionnaires for two limited purposes. Legionnaires of German, Italian, French, and Russian nationality were to be used to keep the FBI apprised of activities of their respective nationality groups while legionnaires employed in key defense industries were to be used as plant informants. Legionnaires would not conduct investigations but merely report what they learned through everyday activities. Hoover did not advise the attorney general that the FBI intended to use this program to recruit legionnaires as Confidential National Defense Informants.[8]

Having obtained authorization, Sackett briefed American Legion officers on the FBI counterproposal and subsequently advised Hoover that the Legion officers had "heartedly agreed" to cooperate with the FBI. Sackett was thereupon invited to Washington to help draft the instructions to all FBI field offices "immediately and get this plan into operation without any delay," preferably by mid-December 1940.[9] Recruitment of American Legion members would provide a very valuable asset for the FBI Hoover observed, citing one such advantage: "If the plants develop informants then the labor organizations are going to start kicking, whereas if the Bureau has their informants through the American Legion this will create a good web to cover the situation."[10] Given Attorney General Jackson's reluctant approval, the FBI director emphasized the need for close cooperation between FBI agents and Legion officers to ensure that only the "most productive and best" Legion posts and the more "reliable" Legion officers and members were recruited.

An acceptable plan was eventually devised. Sackett obtained the names of national and state Legion officers, whom SACs (heads of FBI field offices) were to contact, from Homer L. Chaillaux, the director of the Legion's National Americanism Commission. These Legion officers in turn would identify to the SACs those Legion members in their area who were reliable and could be "safely

[7] Ibid.

[8] Memorandum, FBI Director to Tamm and Ladd, 18 November 1940, FBI 66-9330-2.

[9] Memorandum, FBI Director to FBI Assistant Directors Clyde Tolson, Tamm, and Clegg, 19 November 1940, FBI 66-9330-3.

[10] Ibid. In the fall of 1939, the FBI had initiated the Plant Survey Program with the authorization of the attorney general. Under this program, the FBI appraised the effectiveness of security procedures at key defense plants. Blind Memo, FBI Supervisor Milton A. Jones to FBI Assistant Director Louis Nichols, 15 December 1949, Morris Ernst folder, unserialized Official and Confidential File of FBI Assistant Director Louis Nichols. "Blind memos" identified neither the sender nor the recipient and were prepared on "plain white bond, unwatermarked paper" and were "used in those instances when the Bureau's identity must not be revealed as the source."

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contacted" for recruitment as informers. Only individuals so recommended were to be contacted, although not all were to be recruited as informers. Hoover spelled out the criteria to govern selection: "Good judgement, employment in important industrial or public utility plants and facilities or who have contacts with conditions in their communities relating to groups of foreign extraction or un-American sympathies."[11]

Hoover impressed upon SACs his view of the program's importance, as well as of the necessity for intensive nationwide coverage and for developing procedures that would ensure the regular receipt of information from Legion informers. He also commented that utilization of legionnaires "as sources of information be kept strictly confidential and that no publicity whatsoever result."[12] In contrast to "confidential informants," "sources of information" was a bureau term to describe individuals who provided information to the FBI regardless if their reporting had been unsolicited or encouraged. "Sources of information" were not paid and their surveillance activities were not controlled by the FBI. Not all Legion participants in the American Legion Contact Program would be sufficiently reliable for recruitment as Confidential National Defense Informants; those who were not were identified as "sources of information."

Chaillaux sent Sackett the list of American Legion officers to be contacted on 3 December 1940. Hoover immediately forwarded the Chaillaux list to all SACs. To ensure the efficient conduct of this nationwide effort, FBI Supervisor D. K. Brown was assigned supervisory responsibility for this program. Brown's other supervisory responsibilities (the Custodial Detention Program and contacts with local police departments) indirectly underscore the FBI officials' conception of the American Legion Contact Program. FBI officials' sensitivity to the possibilities, and yet adverse ramifications, of this program are further captured in the procedures Brown formulated to expedite the retrieval of information obtained from Legion informers and to insure "secrecy in connection with this project."[13]

Hoover closely monitored the pace of the SACs' contacts with American Le-

[11] Personal and Confidential Letter, FBI Director to All SACs, 4 December 1940, FBI 66-9330-7. See also, Personal and Confidential Letter, Sackett to Hoover, 27 November 1940, FBI 66-9330-4; Memorandum, Tolson to Director, 4 December 1940, FBI 66-9330-6x; Letter, Sackett to Director, 4 December 1940, FBI 66-9330-6.

[12] Personal and Confidential Letter, FBI Director to All SACs, 4 December 1940, FBI 66-9330-7.

[13] Memorandum, FBI Supervisor D. K. Brown to Tamm, 8 January 1941, FBI 66-9330-16. See also, Memoranda: Tamm to Director, 19 December 1940, FBI 66-9330-9x; Brown to Tamm, 6 January 1941, FBI 66-9330-11. Given the number of Legion sources to be developed under this program and the possibility that some of them might have criminal records, FBI officials considered whether to require the fingerprinting of all prospective Legion sources to ascertain whether they had been convicted. Concerned that a fingerprinting requirement might deter Legion members from cooperating, FBI officials decided to waive it for this contact program. Fingerprinting would only be required if a Legion source were recommended for consideration as a Confidential National Defense Informant. Memoranda: FBI Supervisor R. J. Brand to Tamm, 13 January 1941, FBI 66-9330-20; Tamm to Hoover, 23 January 1941, FBI 66-9330-20; and Letter, FBI Director to All SACs, 4 February 1941, FBI 66-9330-27.

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gion officers and each FBI field office's recruitment of Legion informers. Disturbed that some field offices were dilatory in initiating this program, Hoover pressured SACs to develop extensive Legion contacts immediately. After doing so, FBI agents were to interview Legion members recommended as potential informers to ascertain which of them were sufficiently reliable to warrant selection as confidential informants. SACs thereafter were to review the information provided by Legion informers. Should the SAC conclude that particular legionnaires provided valuable assistance or information, these informers were also to be considered for recruitment as confidential informants. This ability to increase the pool of the FBI's confidential informants served a dual purpose—FBI surveillance of dissident activities could be expanded nationwide without having to seek increased appropriations from Congress to hire additional FBI agents.

The FBI director's interest did not wane after the formal initiation of this program. Hoover continued to monitor the SACs' progress in contacting identified Legion officers and persistently emphasized the need for "intensive coverage." Commending the program's importance, he both threatened and administered discipline if any SAC failed to respond quickly and effectively. In a 15 April 1942 Bureau Bulletin, Hoover summarized the program's positive benefits:

> Although I appreciate the fact that it is undesirable as a general policy to rely upon outside groups to render assistance to the FBI, I believe that the members of the American Legion are substantial, patriotic citizens, whose assistance should be used to the utmost. Due to the great volume of work which this Bureau is required to handle at the present time, and due to the existing delinquency of such work, it would be advisable for each Special Agent in Charge to explore the possibility of utilizing the services of the American Legion to greater advantage.[14]

In the course of monitoring field office performance, however, the FBI director discovered that some members of the Legion's National Americanism Commission had not been contacted to serve as contacts or informers. Hoover immediately demanded rectification of this omission.

FBI statistics on the number of contacts, interviews with proposed informers, and recruited informers graphically demonstrate the scope of this program. By 20 August 1941, SACs had contacted 813 American Legion department and district officers and 8,847 Legion Post commanders and local officers. These Legion officers in turn identified 46,864 potential informers and FBI agents selected 33,797 individuals from this list, eventually contacting 32,918. The FBI supervisor administering this phase of the program estimated that when the planning phase was completed the FBI would have recruited 43,000 informers (both "sources of information" and "confidential informants") from the Legion's 11,700 nationwide posts.[15]

[14] Bureau Bulletin No. 27, First Series 1942, 15 April 1942, FBI 66-9330-99.

[15] Memorandum, FBI Assistant Director P. E. Foxworth to Director, 3 September 1941, FBI 66-9330-69.

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The sizable number of informers did not mollify FBI Director Hoover. In September 1941, FBI officials learned that the procedure of obtaining names of "reliable" legionnaires through consultation with identified Legion officers had led to the exclusion of many Legion post commanders from the recommended list. And these prominent Legionnaires, because they were wholly ignorant of the bureau's clandestine American Legion Contact Program, had begun cooperating with other intelligence agencies. To rectify this situation, a revised procedure was instituted—each SAC was to secure a list from the Legion department (state) commanders in their region of all Legion posts which had been contacted. Legion department commanders were then to be asked to ascertain whether post commanders who had not been contacted were interested in cooperating with the FBI. Hoover demanded that SACs meet immediately with department commanders and then with those expressing a willingness to cooperate. In consequence, by October 1943 approximately 60,000 legionnaires had been contacted for recruitment as informers.

The Contact Program and the Cold War

With the conclusion of World War II, the ostensible reason for an American Legion Contact Program no longer existed. FBI officials nonetheless remained committed to continuing the program during the postwar period, since the Legion still had great value as "a vast pool of information which should be used to the fullest extent by the Bureau, both in security matters and other matters coming within the jurisdication of the Bureau."[16] On 13 February 1945 (before the war had even ended), the FBI Executives Conference (consisting of all FBI assistant directors at Washington headquarters) directed SACs to review their American Legion files "with the thought of having as much coverage as possible in the postwar period through American Legion Contacts in general investigative as well as in National Defense matters."[17]

Hoover approved another recommendation of the FBI Executives Conference on 1 November 1945 to discontinue "developing" further contacts among Legionnaires under the American Legion Contact Program. FBI officials had not terminated the continued use of Legionnaires as informers, whether Confidential National Defense Informants or "sources of information," but only a formally captioned American Legion Contact Program. Hoover's Bureau Bulletin to all FBI field offices confirmed this limited restriction:

> It will no longer be necessary for Agents to personally contact newly elected Post Commanders. Those American Legion contacts presently listed in [field office] indices who may be of informational value to the Bureau at this time should be appropriately in-

[16] Memorandum, FBI Supervisor G. S. Callen to FBI Assistant Director Alex Rosen, 6 Feburary 1945, FBI 66-9330-151. See also, Bureau Bulletin No. 16, Series 1945, 21 February 1945, FBI 66-9330-Not Recorded.

[17] Memorandum, Executives Conference to Director, 13 February 1945, FBI 66-9330-148.

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dexed as Confidential Informants, Sources of Information, or Contacts. When this has been done, the American Legion Contact Index may be destroyed.

These instructions are not to be taken as indicating that it is no longer necessary to maintain a close relationship with the American Legion. Rather, it is more vital than ever at this time to retain the continued support and active cooperation of this ever-increasingly important organization.[18]

FBI agents continued to solicit and receive information from their Legion informers recruited during World War II. Not surprisingly, then, with the outbreak of the Korean War on 25 June 1950, and "in view of the present international situation," on 13 July 1950 FBI officials recommended the reactivation of the American Legion Contact Program. The bureau's relationship with the Legion (a "powerful, numerically large group of citizens in active participation in the affairs of this country") had always been "most cordial" and had to be continued.[19] Reviewing the World War II relationship, FBI officials recommended reinstituting a slightly modified program. Three specific changes were made. First, legionnaires were not to be recruited as informers solely on the basis of their usefulness; "all reliable Post Commanders and Adjutants" instead were to be contacted to "prevent their offering their services to other agencies."[20] Second, FBI field offices were to submit quarterly, rather than monthly, progress reports to FBI headquarters. Third, the initial focus was to be on Selective Service matters. Conceding that the American Legion Contact Program imposed a heavy burden on the time and responsibilities of FBI agents and field offices, FBI officials nonetheless justified these costs because the program provided FBI agents "entree to persons and organizations in all walks of life" and dissuaded Legion officers from instituting their own internal security program.[21]

The FBI Executives Conference's most significant recommendation, moreover, inadvertently confirmed how independent the FBI had become of the Justice Department and the White House during the cold war years. In striking contrast to Hoover's earlier recognition that Attorney General Jackson's permission was required prior to initiating such a program in November 1940, in July 1950 FBI officials concluded that "it was not necessary to contact the [Justice] Department prior to starting this program. The [FBI Executives] Conference felt that the initial step should be personal contact by [FBI Inspector and liaison with the American Legion] Lee Pennington with the National Commander of the American Legion."[22] FBI Director Hoover concurred, informed all SACs of this decision, and specified the administrative and filing procedures to be followed under the reactivated program. Concurrently, Hoover demanded that Le-

[18] Bureau Bulletin No. 66, Series 1945, 26 November 1945, FBI 66-9330-Not Recorded. See also, Memorandum, Executives Conference to Director, 1 November 1945, FBI 66-9330-171.

[19] Memorandum, Executive Conference to Director, 17 July 1950, FBI 66-9330-205. See also, Memorandum, Belmont to Ladd, 31 July 1950, FBI 66-9330-204.

[20] Memorandum, Belmont to Ladd, 31 July 1950, FBI 66-9330-204.

[21] Memorandum, Executives Conference to Director, 17 July 1950, FBI 66-9330-205.

[22] Ibid.

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gion officers be contacted immediately to initiate the program, at the same time emphasizing the need of secrecy.

As he had in 1941, Hoover chastized certain SACs for their seeming slowness in contacting Legion officers and recruiting Legion informers. Regular quarterly reports were also to be submitted. Responding to the FBI director's demands, by 20 June 1953, 100,880 informers had been recruited from the over 16,700 active Legion posts nationwide.

FBI agents in the field, however, did not share Hoover's and other FBI officials' convictions about the value of the American Legion Contact Program. Their complaints about the excessive time required to contact and recontact Legion officers in relationship to the limited information obtained were summarily dismissed by FBI officials (who responded by emphasizing that the program was "good public relations").[23]

By nonbureaucratic standards, the American Legion Contact Program was never cost effective, and it detracted from the ability of FBI field offices to fulfill their law enforcement responsibilities. Yet law enforcement had never been as high a priority to FBI officials as extending the surveillance of dissident activities nationwide. To insure this result, and at the same time to relieve the program's administrative burdens on field offices, officials modified the required contacting and reporting procedures. After June 1952, field offices did not need to recontact Legion officers in certain rural American Legion posts.

FBI officials nonetheless refused to relax the program's most burdensome imposition on FBI field offices—the requirement that SACs annually recontact national and state Legion officers to certify the names of Legion informers. In March 1952, FBI officials agreed to a one-year moratorium on this annual recontacting requirement; this moratorium was then extended until June 1953. At a June 1953 FBI Executives Conference meeting, the requirement was slightly modified—only continued Legion membership of current Legion informers needed to be ascertained, but SACs were to continue to solicit the names of new informers from Legion Department adjutants and commanders. To further reduce the paper work, in June 1954 FBI officials revised the quarterly reporting requirement to an annual one.

By July 1954, those FBI officials having direct administrative responsibility for the conduct of the program had concluded that it should be discontinued. FBI Inspector C. W. Stein reported to Hoover the results of his survey of all FBI field offices and headquarters personnel responsible for supervising the program. All had concluded that the program had "contributed no information of value" and had been extremely costly in using limited FBI manpower. The pro-

[23] Memoranda: Executive Conference to Director, 17 July 1950, FBI 66-9330-205; Belmont to Ladd, 31 July 1950, FBI 66-9330-204; Bureau Bulletin No. 43, Series 1950, 14 August 1950, FBI 66-9330-Not Recorded; Letter, FBI Director to All SACs, 27 January 1951, FBI 66-9330-Not Recorded; Letter, FBI Director to All SACs, 25 March 1952, FBI 66-9330-Not Recorded. See also, Memorandum, Ladd to Hoover, 14 July 1953, FBI 66-9330-328.

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gram's principal advantage, Stein observed, could be better effected by limiting FBI officials' contacts to the Legion's national officers and by having FBI agents accept as many speaking engagements as possible from the various Legion posts.

Not surprisingly, Stein's recommendations were ignored. On 10 August 1954, however, Hoover did revise the FBI Manual of Investigations: SACs or Assistant SACs needed thereafter only to contact "at least once a year all national officers, departmental (state) officers, and members of the Americanism Commission of the American Legion."[24] FBI agents were again admonished not to "overlook the possibility that some of these Legion contacts may be developed as security and criminal informants or sources of information."[25]

This more limited American Legion Contact Program limped along, in part because of bureaucratic momentum but more because the program ensured a nationwide pool of informants (by the 1950s criminal as well as security informants). Internal FBI reports confirmed that the Legion informers had not uncovered information that could legitimately be described as national security intelligence or involving statutory violations. This was not surprising in view of the extremely conservative political views of Legion members. Even internal FBI reports recommending the program's continuance described its value only as providing to the FBI the support of an articulate and influential organization having a nationwide constituency.

Because of this public relations value and the opportunity to recruit "confidential informants," but also the ideological affinity between Legion officers and FBI officials, the American Legion Contact Program continued until the mid-1960s. FBI Assistant Director Alan Belmont's 16 August 1956 report recommending that the American Legion files maintained by FBI field offices should be destroyed indirectly confirmed the program's lack of any intelligence value. Belmont wrote that "all" FBI field offices concurred that these files "have little, if any, potential value."[26] FBI Director Hoover still remained committed to the program but did authorize FBI field offices to destroy their American Legion files in March 1957.

In addition, FBI field offices were authorized to discontinue maintaining logs on contacts with and reports received from their Legion informers. After May 1956, field offices were no longer required to open files on annual contacts with Legion officers "in the interest of economy and good administration." In 1959, the annual recontacting requirement was revised: all Legion officers did not need to be recontacted, and in cases when Legion officers were contacted SACs could assign this task to FBI agents.[27]

[24] Memorandum, FBI Inspector C. W. Stein to Director, 27 July 1954, FBI 66-9330-354. See also, Memorandum, Belmont to FBI Assistant Director L. V. Boardman, 3 August 1954, FBI 66-9330-357.

[25] SAC Letter No. 54-42, 17 August 1954, FBI 66-9330-Not Recorded. See also, Proposed Change in Manual of Instructions, 10 August 1954, FBI 66-9330-Not Recorded.

[26] Memorandum, Belmont to Boardman, 16 August 1956, FBI 66-9330-370.

[27] Memoranda: Executives Conference to Director, 3 May 1956, FBI 66-9330-Not Recorded; Hoover to SAC, New York, 3 August 1956, FBI 66-9330-372; Letter, FBI Director to All SACs, 4

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The Contact Program in the 1960s

With the upsurge of racial unrest in the mid-1960s, FBI officials considered reactivating this program to "increase the quality and quantity of [FBI] coverage of racial matters." On 17 September 1964, and again on 16 February 1965, FBI Supervisor F. J. Baumgardner recommended utilization of the American Legion Contact Program: a "massive program [was not needed] but instead a limited and selective means of obtaining sources at the community level." Legion informers, Baumgardner posited,

> should be made aware of the Bureau's interest in racial activities, both from an investigative and intelligence standpoint. While primary value of the program is to obtain assistance in the investigative field, the public relations gained and education of such officials and workers to our responsibilities and jurisdiction certainly is a major item. We must continue to consider every possible step toward a position in which we will be aware of all racial activities. We cannot afford to overlook any precautionary measures or to minimize the value of educating the public to our responsibilities.[28]

It remains unclear whether Baumgardner's recommendation was considered or summarily rejected. There are no extant FBI Executives Conference minutes recording the discussion and action taken on the recommendations—in striking contrast to every other recommendation involving the American Legion Contact Program. Apparently, however, the program was not "augmented" to include racial matters. In any event, within a year FBI officials concluded that the American Legion Contact Program should be terminated. On 7 March 1966, FBI Director Hoover approved Baumgardner's subsequent termination recommendation that "the expenditure of time and money in making yearly contacts" with Legion commanders and adjutants was no longer warranted.[29]

The termination of this program did not, however, reverse its most important legacy—the permanent covert expansion of the FBI's nationwide surveillance capabilities through the recruitment of thousands of confidential informants. But were there any counterbalancing values to this covert expansion of the FBI's surveillance role? Did this program enable the FBI to fulfill its lawful mission, providing otherwise unobtainable intelligence pertaining to criminal and foreign intelligence and counterintelligence activities? This question cannot be answered conclusively—in part because in 1947 and then in 1956 Hoover had authorized

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March 1957, FBI 66-9330-Not Recorded; Memoranda: Baumgardner to Belmont, 22 December 1958, FBI 66-9330-379; Baumgardner to Belmont, 29 April 1959, FBI 66-9330-383; Baumgardner to Sullivan, 21 December 1961, FBI 66-9330-394.

[28] Memoranda, Baumgardner to Sullivan, 17 September 1964, FBI 66-9330-406 and idem, 16 February 1965, FBI 66-9330-409.

[29] Memoranda: Baumgardner to Sullivan, 7 March 1966, FBI 66-9330-417 and idem, 10 March 1966, FBI 66-9330-416; Airtel, FBI Director to SAC, Albany, 11 March 1966, FBI 66-9330-417.

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the destruction of the massive files maintained by FBI field offices recording the information provided by Legion informers under this program.[30]

However, scattered throughout the FBI's extant American Legion Contact Program policy file—maintained as part of the tightly controlled 66 (Administrative Matters) file at FBI headquarters—are FBI evaluative memoranda that indirectly document the program's essentially political orientation. In his 4 December 1940 letter to all SACs outlining the objectives of the recently established program, Hoover underscored this political character. He advised the SACs to impress on American Legion officials "the vital need of the Bureau to know conditions in various localities throughout the country." The FBI director then specified the information that legionnaires were to provide:

> In communities where groups or settlements of persons of foreign extraction or possible un-American sympathies are located, it is important that the Bureau know the identity of the leaders of these groups, the locations of their meeting places, the identity and scope of operation of their social clubs, societies, language schools, etc; whether persons are sent into the communities to spread propaganda; to raise funds for various purposes or for the purpose of agitating such foreign extraction groups.[31]

The FBI director continued, indirectly highlighting the ideological affinity between the bureau and the Legion that underpinned this program:

> Because of the fact that the American Legion membership has proven its courage and patriotism we are desirous of utilizing them to assist the FBI in safeguarding our internal security. Legion members of every nationality reside in every community . . . [and] are level-headed, possess good judgment and are desirous of being helpful. . . .[32]

Even self-serving memoranda filed in the American Legion Contact Program policy file document that Legion informers had never provided information which advanced legitimate national security needs. In a 22 December 1965 evaluative memorandum, for example, FBI Supervisor Baumgardner characterized the program as

> of considerable value in the public relations field and . . . , successful in deterring the American Legion from embarking on security-type investigations. These contacts, particularly during the [World War II] years when the program was quite extensive, furnished considerable assistance to the Bureau in selective service and deserter investigations. The American Legion is a numerically strong and powerful militant group and

[30] Memoranda: FBI Inspector T. E. Naughten to Hoover, 7 April 1947, FBI 66-9330-185; Joint Committee to Hoover, 3 July 1947, FBI 66-9330-196; Belmont to Boardman, 16 August 1956, FBI 66-9330-370; W. G. Eames (records management officer) to FBI Assistant Director Louis Nichols, 4 September 1956, FBI 66-9330-Not Recorded; Request for Authorization to Dispose of Records, FBI to National Archives, 5 September 1956, FBI 66-9330-Not Recorded; and Memorandum, Eames to Nichols, 10 September 1956, FBI 66-9330-Not Recorded.

[31] Letter, FBI Director to All SACs, 4 December 1940, FBI 66-9330-9.

[32] Ibid.

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it is extremely desirable that our excellent relations with this group be maintained. Through its vast membership it has in the past given the Bureau an entree to organizations and persons in all walks of life. The limited program now in effect permits the Bureau to maintain its relations with the leading officials of the Legion without undue burden on investigative personnel. Through these relations it is believed that we will continue to deter the Legion from conducting security investigations and will at the same time maintain our excellent relations with that organization.[33]

Conclusion

Baumgardner did not specify the American Legion Contact Program's greatest value to the FBI—its contribution to the increasing autonomy of the FBI in post-World War II America. The FBI-American Legion relationship, moreover, had been a mutually beneficial one. As other FBI documents confirm, FBI officials (notably FBI Assistant Director Cartha DeLoach, who simultaneously headed the FBI's Crime Records Division and the American Legion's Public Relations Commission) intentionally leaked information from FBI files to Legion publicists and officers as part of a broad-based program to "educate" public opinion.

The American Legion Contact Program eventually was part of a formal "educational" campaign (approved by the FBI Executives Conference in February 1946) to influence "public opinion" by releasing "educational materials" through "available channels" (such as friendly reporters and legislators).[34] The heads of the FBI's Crime Records Division (respectively, FBI Assistant Directors Louis Nichols, Cartha DeLoach, and Thomas Bishop) assumed responsibility for what was later code-named the Mass Media Program. In February 1951 the FBI Executives Conference further refined and expanded this educational campaign to include state governors and other prominent public personalities and institutions (such as the Red Cross, the Library of Congress, police departments, and former President Herbert Hoover). As justification for this code-named Responsibilities Program, FBI officials observed

that if we consider the fact that the Bureau is responsible for the internal security of the country as a whole and that public utilities, public organizations and semi-public organizations are serving large portions of the people, it is plain that we have an obligation for the protection of the facilities when we have information of a subversive nature affecting them.[35]

The bureau memorandum describing the scope and character of the Responsibilities Program further listed those congressional committees to which the bu-

[33] Memorandum, Baumgardner to Sullivan, 22 December 1965, FBI 66-9330-415.

[34] For further background on the FBI's "educational" campaign and subsequent Mass Media Program, see Theoharis, *Spying on Americans*, 133–34, 163–65.

[35] Memorandum, Executives Conference to Director, 14 October 1953, FBI 66-[illegible but possibly 7588].

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reau "had furnished information." These were the Joint Committee on Atomic Energy, Senate Appropriations Committee, Senate Armed Services Commitee, Preparedness Subcommittee to the Armed Services Committee, Senate Judiciary Committee, House Judiciary Committee, Senate Committee on Labor and Public Welfare, Subcommittee on Labor Management Relations of the Senate Committee on Labor and Public Welfare, Senate Foreign Relations Committee ("relations with Senator [Alexander] Wiley"), Senate Subcommittee on Internal Security, House Committee on Un-American Activities, and "Senate Permanent Investigations Committee (led by Senator Joseph McCarthy) up until the late summer [1953] when the Committee appointed former [FBI] Special Agent [Francis] Carr as Staff Director."[36]

Successfully shrouding their support of the Legion's educational efforts—particularly by the Legion's National Americanism Commission—FBI officials had thereby helped promote indiscriminate anti-communism. In addition, despite Hoover's 1940 assurances to Attorney General Jackson, FBI officials did not attempt to restrain the politically conservative Legionnaires who had been recruited as informers, as the examples of information recorded in the extant FBI policy documents confirm. Legion informers investigated, and reported to their FBI liaisons, the political and associational activities of "subversive" individuals and organizations. FBI agents' complaints during the 1950s about the lack of value of the American Legion Contact Program indirectly confirm that political espionage constituted the substance of Legion informer reports. The only instance in which the FBI director specified restrictions on Legion informers' reports (at the program's inception in 1940–41 but not repeated thereafter, even with reactivation in 1950), was to avoid monitoring legitimate trade union activities. Rather than chastizing Legion posts or informers for their political reporting, Hoover periodically issued special citations commending the loyalty and purposes of Legion posts and informers.

Although it was not the most important legacy of the program, it did contribute to the permanent expansion of the FBI's surveillance of dissident activities through the recruitment of confidential informants. No less important, the American Legion Contact Program had been conducted in secrecy, without public or congressional awareness of FBI officials' decision to encourage spying on American citizens by a private, self-proclaimed patriotic organization. The duration of this program and the absence of any congressional or judicial oversight role raise serious questions about the effectiveness of constitutional restrictions on bureaucracies in modern America. Additional questions are raised about the Department of Justice's relationship with the FBI, and the effectiveness of the attorney general's oversight. When requesting Attorney General Jackson's approval in November 1940, FBI Director Hoover did not accurately describe the program that was subsequently implemented—notably the FBI's recruitment of confidential informants. Hoover never briefed Jackson's suc-

[36] Ibid.

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cessors as attorneys general (whether Francis Biddle in 1941, Tom Clark in 1945, J. Howard McGrath in 1950, or Herbert Brownell in 1953) of the program's scope and nature. And when deciding to reactivate the program following the outbreak of the Korean War, FBI officials had concluded that the attorney general need not be briefed about that decision or about the decisions to initiate an "educational" campaign in February 1946 and later the Mass Media and the Responsibilities Programs. This independence, and FBI officials' underlying conviction that they should determine the scope and purpose of the bureau's investigative activities, captures the most searing impact of the cold war on American institutions—its contribution to the evolution of a quasi-autonomous internal security bureaucracy administered by individuals indifferent to the legal and constitutional restrictions central to a federal system of divided government.*

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Excessive Regulation: The Case of Federal Aid to Education

JOHN E. CHUBB

Notwithstanding the outright opposition to government regulation that some of the charges of its "excessiveness" barely hide, the widespread political rhetoric in recent years about "excessive federal regulation" points up a real problem of modern government. In federal programs that are not explicitly regulatory, as well as in those that are, policy has come to be carried out by increasingly detailed, prescriptive, legalistic, and authoritative means. The familiar statistics on the rapidly expanding numbers of *Federal Register* pages, Washington lawyers, and state and local bureaucrats are but a few indicators of a development that politicians, businesses, and citizens are now sensing: federal policies are heavily administered, extensively rulebound, and seemingly inefficient.[1] Surely the social benefits that are produced by these regulatory methods can be produced at lower cost by alternative means. But can they?

[1] The membership of the District of Columbia Bar Association grew from 10,925 to 34,087 during the period, 1973-1981. See Robert H. Salisbury, "Interest Representation: The Dominance of Institutions," *American Political Science Review* 78 (March 1984): 264–76. Between 1949 and 1977 the number of annual pages in the Federal Register sextupled, and between 1955 and 1977 state and local public employment increased two and a half times to reach 12 million. See Hugh Heclo, "Issue Networks and the Executive Establishment," in Anthony King, ed., *The New American Political System* (Washington, D.C.: American Enterprise Institute, 1978), 89, 95.

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The alternatives most commonly envisaged rely on competition, incentives, decentralized decision making, and other mechanisms found in private markets. Under some alternative arrangements—for example, the deregulated airline, trucking, and telecommunications industries—the government has little role to play; the functions of government regulators are turned over to ordinary private economic markets. But most of the market-oriented alternatives now contemplated do not eliminate federal participation and do not rely on ordinary private markets. The federal government retains an important role in manipulating incentives or monitoring performance—as in marketable rights to pollute—and the "markets" being relied upon—for example, schools competing for students or state and local governments competing for taxpayers—have serious imperfections. Under these circumstances, alternative policies will not be self-implementing, but will involve some federal agency in the supervision of some imperfectly competitive system. The relative efficiency of such alternatives will, therefore, depend on political and administrative factors beyond the scope of the economic theories that justify them.

The purpose of this article is to offer a positive or explanatory theory of implementation, based on political and administrative considerations, that is appropriate for evaluating regulation and alternatives to it. My basic argument is that extensive regulation is one among many possible outcomes of policy implementation generally; that it is, therefore, best approached through a general theory of implementation; and that its social value (positive or negative) can most practically be assessed against policy alternatives whose consequences are also predicted by the theory. Unfortunately, such a theory does not exist. The diffuse boundaries, innumerable outcomes, multiple participants, and substantive diversity of implementation processes have discouraged parsimonious, deductive theorizing[2] in favor of detailed but loosely structured conceptual frameworks.[3] The model I will propose does not attempt to represent this complexity, but it does capture a sufficiently important feature of the implementation process—the political relationship between a federal agency and the organizations or individuals it seeks to influence or control—to elaborate substantially my basic argument. It is these relationships, after all, that so often become characterized by extensive legal rules, compliance procedures, and enforcement actions. And those are precisely the developments most commonly decried in charges of excessive regulation.

The problem this article addresses, then, goes well beyond the familiar arena of business regulation. It is a problem with the potential to arise in any policy

[2] Robert K. Yin, "Studying the Implementation of Public Programs," in Walter Williams, ed., *Studying Implementation* (Chatham, N.J.: Chatham House, 1982).

[3] Eugene Bardach, *The Implementation Game* (Cambridge, Mass.: MIT Press, 1977); Richard F. Elmore, "Organizational Models of Social Program Implementation," *Public Policy* 26 (Spring 1978): 185–228; Paul Sabatier and Daniel Mazmanian, "The Conditions of Effective Implementation: A Guide to Accomplishing Policy Objectives," *Policy Analysis* 5 (Fall 1979): 481–504.

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implemented through the use of significant legal restrictions—policies as diverse as agricultural assistance, welfare expenditures, and education grants-in-aid. Indeed, reducing "excessive regulation" of state and local governments was one of the major objectives of the Reagan administration's New Federalism initiatives. From a theoretical standpoint, moreover, nonbusiness cases can be quite intriguing: by employing mixtures of regulatory and nonregulatory policy instruments, they provide evidence of the merits of less legalistic alternatives. For this reason I have chosen to illustrate my theoretical argument with original case studies of two large federal grant programs: Title I of the Elementary and Secondary Education Act (ESEA) and Vocational Education.[4]

A Model of Implementation Relationships

Government decisions about what policy instruments to employ to accomplish particular policy goals involve judgments about what types of relationships are likely to develop between political interests affected by a policy and the government authority responsible for carrying out the policy. For example, an important consideration in the design of federal grant programs is the sympathy of state and local grant recipients for national goals and the probability of their cooperation. Another concern is the relative allegiance of the federal implementing agency to national or statutory goals as opposed to the goals of its grantees. To complete the illustration, Congress might be inclined to pile regulations on a grant program characterized by a close agency-grantee relationship that subordinated national objectives to, say, local objectives. It is the first premise of this analysis that the performance of public policies—including the emergence of burdensome regulation—can be understood to a significant degree in terms of the relationships between federal implementing agencies and the constituencies affected by them. It is, then, the first task of this analysis to develop a model describing the forms these relationships may take and the consequences likely to follow from them.

A general description of implementation relationships requires a general conceptualization of the interests that may be involved in them. Virtually all public policies, regardless of major intent, share an important political characteristic: they shift resources from one segment of society to another and thereby create two generic implementation interests, "beneficiaries" and "cost-bearers."[5] Implementation politics will involve these interests in three basic contests: conflict between beneficiaries and cost-bearers to effect a shift in resources between them, competition among beneficiaries to capture disproportionately large benefits, and competition among cost-bearers to bear disproportionately low

[4] Since 1981, Title I has become Chapter One of the Education Consolidation and Improvement Act, a less regulated version of the original.

[5] John E. Chubb, *Interest Groups and the Bureaucracy: The Politics of Energy* (Stanford, Calif.: Stanford University Press, 1983).

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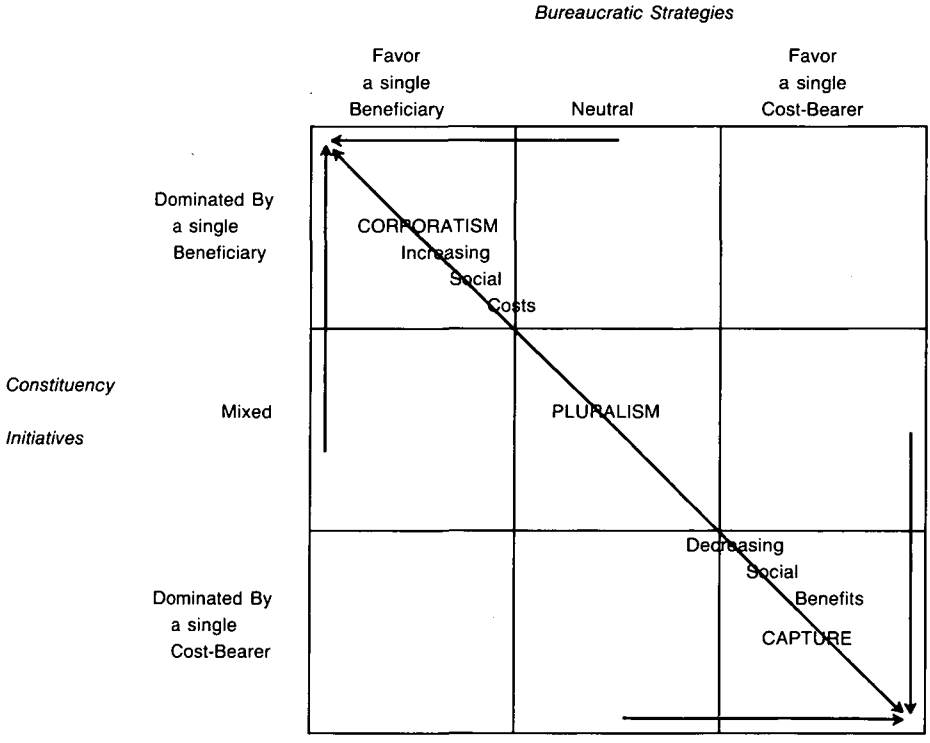
FIGURE 1

A Typology of Implementation Relationships



costs. Logically, the structure of these contests will be determined both by the initiatives of the interests to advance their claims and by the efforts of implementing agencies to support or challenge those same interests. How these contests are constituted and played out is what the model seeks to describe and what the subsequent analysis seeks to explain.

Figure 1 depicts a typology of the agency-constituency relationships that theoretically may characterize policy implementation.[6] On the left side are a sequence of possible patterns of constituent initiatives, on the top a series of alternative bureaucratic strategies, and in the interior, a number of common implementation relationships defined by the intersection of the two dimensions. Both dimensions describe—moving from the top down, and left to right—patterns of interest representation that vary from domination by a single beneficiary to domination by a single cost-bearer, with ever richer mixtures of the two occurring at the centers of the continuums.

[6] Ibid., chap. 2.

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Constituent Initiatives. Variations along the constituent initiative dimension, and ultimately, variations in policy performance, can be understood through a straightforward analogy with economic markets. The beneficiaries of a public policy occupy a position analogous to buyers in a marketplace. Both consume a good (be it public or private) until its marginal utility is exceeded by its price. In economic theory the buyers are assumed to be so numerous that none can affect the price through individual decisions. If the buyers are few, exchanges become suboptimal for producers and a condition of market failure is said to exist. The extreme condition, where only one buyer is in the market, is called monopsony. In a similar sense, as constituent initiatives become dominated by a single benefiting group, a public sector equivalent of monopsony may result: the major beneficiary, like the lone buyer in a private market, threatens to control the distribution of the goods or services and produce a socially suboptimal outcome. While the outcome may be consistent with the intent of Congress—which has ample incentive and opportunity to favor particular constituencies—the normative conclusion still holds. Policy benefits will be allocated, and a wealth transfer effected, on terms established by the monopsonist: among beneficiaries he will enjoy disproportionate rewards while the magnitude and distribution of costs may be disregarded. For example, inattention to taxpayer and school system costs would probably characterize ESEA Title I, a large compensatory education program, if representatives of the poor were the sole participants in the implementing bureaucracy.

At the other end of the constituency continuum is a pattern of group initiatives similar to that of an economic monopoly. In a private market an optimal exchange for both buyers and sellers also depends on there being enough sellers so that none can dictate prices. For a variety of reasons this condition is not always satisfied, and a single monopolist or several oligopolists are able to extract larger profits than a competitive market would allow. In the production of public goods the cost-bearers are in a position analogous to that of private good suppliers. Although a bureaucratic agency is physically supplying the public good, its political role is more that of an economic middleman. The cost-bearers, who change their behavior, incur direct costs, or pay money to the public treasury, are the ones who ultimately supply the public good. For example, a local school district that reorganizes its programs to suit federal goals can be considered the supplier of the public good of equal opportunity (or other pertinent national product). Although schools are supposed to be producing education for all children, if they cannot produce education on their own terms, they are indeed bearing real costs. If the organized constituency of an agency comes to be represented by a single cost-bearing group, the production of the public good is at risk of being provided on terms established unilaterally by that group. The Department of Education, for example, might relax spending and accounting rules if the initiatives from its functional constituency were dominated by, say, local school administrators.

In the middle of the continuum is a condition analogous to perfect competi-

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tion. In economic analysis, competition approaches perfection as, among other things, the number of buyers and sellers of private goods becomes large. In this analysis, competition approaches perfection as the initiatives of bureaucratic constituents become functionally (as opposed to geographically) representative, that is, when group initiatives are functionally balanced among and between beneficiaries and cost-bearers. Theoretically, a competitive pattern of representation enhances the efficiency of public good production: it effects a distribution of costs and benefits reflecting mutually advantageous trade among all interested parties. Whether these trades get made depends, of course, on other factors, including most prominently the strategy of the bureaucracy.

Bureaucratic Strategies. Conceptualized in much the same way as constituent initiatives are bureaucratic strategies: their essence can be described by the interests they favor or oppose. The theoretical continuum subsumes several discrete strategies that have been prominent in studies of bureaucratic politics, but have never been conceptualized in systematic relationship to each other. Referring to Figure 1, the left pole of the continuum is characterized by bureaucratic strategies that cater exclusively to beneficiary groups. In the extreme, the agency believes that its programmatic and political goals can be accomplished best by striving for a cooperative relationship with those groups that are mandated to benefit, or stand to benefit most, from the implemented policy. In a classic political exchange the bureaucracy lures the major beneficiary into a mutually beneficial association by offering the group considerable control over policy implementation and substantial input into new legislative proposals. In return the bureaucracy hopes to avoid conflict and delay in the administrative process and receive political support with the agency's sovereigns. No encouragement and only pro forma access to bureaucratic policy channels is offered cost-bearing groups. Perhaps the most familiar examples of this behavior are the rather exclusive relationships between major farm and commodity organizations and their assistance agencies in the Department of Agriculture.[7] In modern European settings, especially with respect to economic management, this strategy has come to be known as corporatism.[8] The state hopes to build support for the enactment and implementation of its policies by granting privileged participation to a sectoral interest group sufficiently powerful to deliver the support of its benefiting constituency. The effect of these relationships on policy performance should include excess costs and skewed benefits, favoring well-organized beneficiaries.

Moving to the right along the continuum, the bureaucracy diversifies its overtures toward interest groups, gradually providing more access to and eventually accommodating more cost-bearing groups. At the midpoint of the continuum, the agency finds it profitable, or essential, to appease many of its functional constituents. In this case it assembles only temporary coalitions of interests and

[7] Theodore J. Lowi, *The End of Liberalism*, 2nd ed. (New York: W. W. Norton, 1979).

[8] Suzanne Berger, ed., *Organizing Interests in Western Europe: Pluralism, Corporatism, and the Transformation of Politics* (New York: Cambridge University Press, 1981).

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establishes few stable bonds with organized groups. It finds more advantage in a flexible approach to its constituency, and its alliances become fluid over time, essentially a pluralist strategy. By minimizing vested private interests, this strategy should facilitate greater adaptability to novel situations and a greater willingness to learn from mistakes and failures.[9] It should also enhance the efficiency of whatever wealth transfers the policy effects.

The right third of the continuum is characterized by diminishing executive attention toward beneficiaries and increasing deference toward cost-bearers. An agency that displays this type of behavior evidently feels that its programmatic and political objectives cannot be accomplished without nullifying the opposition of its cost-bearing constituents. In the extreme, the bureaucracy finds the support of beneficiaries to be comparatively unprofitable, and, therefore, wagers its future success (or survival) on a compromise with its natural opponents. Independent regulatory agencies are most commonly accused of pursuing this political strategy.[10] Of course, nonregulatory agencies also find it necessary to appease cost-bearers, and "cooptation"—the term coined by Philip Selznick to describe the adaptive strategy of the Tennessee Valley Authority[11]—probably best denotes this common bureaucratic practice. The substantive consequences of this strategy are a reduction in cost-bearer expenses, and typically, a reduction in intended benefits.

Implementation Relationships. When the strategies of the bureaucracy interact with the initiatives of interest groups, clearly distinguishable relationships develop. In terms of the typology in Figure 1, nine distinct, and infinite intermediate relationships are determined conjointly by the two dimensions. If the effects of each dimension on the relationships are independent, all of these combinations are theoretically plausible. But the actions of the bureaucracy and constituent groups are not independent; they are interdependent. Considering, therefore, the interactive effects of these organizations on the relationships between them, fewer than nine major patterns are likely to exist—at least in the long run. The specific reasons for this expectation cannot be stated until the causes of interest group and bureaucratic behavior are considered, but the general logic is straightforward: interest groups have great difficulty sustaining their participation in bureaucratic politics without government encouragement or cooperation, and executive agencies are constrained in their choice of strategies by the structure of interest group activity in their environment.

The relationships that are theoretically most likely to occur are those on the

[9] Bureaucracies will be more willing to evaluate and substantially adjust their behavior if they are not constrained from doing so by a rigid and narrow political clientele; adaptability is increased if political support is diverse and manipulable. A similar point is argued by Aaron Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis* (Boston: Little, Brown, 1979).

[10] Marver H. Bernstein, *Regulating Business by Independent Commission* (Princeton, N.J.: Princeton University Press, 1955); James Q. Wilson, ed., *The Politics of Regulation* (New York: Basic Books, 1980).

[11] Philip Selznick, *TVA and the Grass Roots* (Berkeley: University of California Press, 1949).

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main diagonal of the typology; in these three cells the structure of interest group initiatives and the strategy of the bureaucracy are consistent or mutually supportive. *Corporatism* denotes a cooperative relationship between the bureaucracy and a constituency represented by the major beneficiary organization(s). Its policy consequences are likely to include cost inefficiency and disproportionate benefits to the well-organized constituents. *Pluralism* denotes a fluid relationship associating many groups in temporary relationships with the bureaucracy. Efficiency is more likely here than elsewhere—though delay may result from the fluidity of the coalitions. Finally, *Capture* denotes a bureaucratic agency collaborating with the cost-bearing organization that dominates its environment, with consequences including reduced costs and displaced goals or benefits.

Moving away from the main diagonal, tension develops between the organizations. For example, a regulatory agency pursuing a cooptive strategy would face far fewer conflicts in a constituency effectively monopolized by cost-bearers than in one that was competitive. The conflictual situations represented by the four middle, outer cells are not unlikely, but they are not as probable as the politically consistent patterns on the main diagonal. The most unlikely patterns are obviously those inconsistent ones described by the bottom-left and upper-right cells of the typology.

Federal Education Grants

Before it was modified in 1981 by the Education Consolidation and Improvement Act and renamed "Chapter I," Title I of ESEA had become both the most widely supported federal education program and the most widely criticized. The several billion dollars it delivered annually to educationally deprived children was viewed as an important national expenditure and made it the largest federal education program. But the regulations and reporting requirements that it used to provide accurate targeting were criticized by state and local education officials as administratively expensive and pedagogically undesirable. Fewer restrictions, school administrators argued, would leave more money for teaching, eliminate the need for stigmatizing "pull-out programs" instituted to demonstrate compliance with nonsupplanting regulations, and create little risk of funds diversion. Similar criticism was by 1981 being lodged against the federal government's oldest education program, Vocational Education. For fifty years state and local complaints had been few, but once Washington began insisting in 1963 that portions of its matching aid be "set aside" for targets such as the economically disadvantaged, the handicapped, and most recently, the victims of sex stereotyping, vocational education officials began a crescendo of criticism of proliferating spending and reporting rules. Judged by their regulatory reputations, it would appear that Title I and Vocational Education had become characterized by cooperative implementation relationships between federal agencies committed to educational opportunity and various disadvantaged beneficiary groups—in a

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word, corporatism. The recipients of categorical aid, it would seem, had allied with sympathetic federal bureaucrats to administer educational aid with little concern for the costs of targeting. Yet, nothing could have been further from the truth. The case studies for this article, based on interviews with Washington interest groups and administrators during the last month of the Carter administration and the first year of the Reagan administration,[12] along with archival research, revealed considerably less intuitive explanations for the extensive regulation in these two programs—but explanations that fit, nonetheless, within a theory of implementation relationships.

ESEA Title I. Over the sixteen years of its pre-Chapter I existence, Title I only gradually acquired the regulatory program that eventually elicited charges of excessive regulation.[13] Until 1971 when regular federal on-site monitoring began, egregious misuses of funds by local education agencies (LEAs) were tolerated.[14] Thereafter the Division for the Educationally Deprived (DED) within the Office of Education (OE) annually dispatched monitoring teams to every state education agency (SEA) and to five randomly selected LEA's within each state to encourage the proper allocation and application of Title I funds.[15] Congress also began imposing controls, legislating increasingly specific regulations such as "supplement, not supplant," "comparability" and "excess costs".[16] The Department of Health, Education, and Welfare's (HEW) audit agency applied yet additional force, increasing its volume of Title I financial audits from an average of only eleven per year in the 1960s to twenty-one per year in the period from 1970 to 1976. It is estimated that a commendable 72 percent of all Title I spending was supplementing the educational resources of the deprived students for which it was intended.[17]

[12] Structured interviews lasting an average of one and a half hours were conducted in Washington, D.C. with: the National Association of Counties, George Quarles—Deputy Assistant Secretary for Education and Employment U.S. Department of Education, and the American Association of School Administrators, 16 December 1980; the U.S. Chamber of Commerce, National League of Cities, and National Alliance of Business, 11 December 1980; the United States Catholic Conference, American Federation of Teachers, Human Resources Development Institute (AFL-CIO), Paul Miller—Chief of Program Support Branch, ESEA Title I, and John Stahle—Chief of Regulation ESEA Title I, U.S. Department of Education, 18 December 1980; the National Governors Association, 19 December 1980; the Council of Chief State School Officers and American Vocational Association, 27 August 1981; the Lawyers Committee for Civil Rights under the Law, 28 August 1981; the National Coalition of ESEA Title I Parents, 21 December 1981; and the Committee for Full Funding of Education Programs, 22 December 1981.

[13] Michael Kirst and Richard Jung, "The Utility of a Longitudinal Perspective in Assessing Implementation: A Thirteen Year View of ESEA, Title I," *Education Evaluation and Policy Analysis* 2 (September-October 1980): 17–34.

[14] Jerome T. Murphy, "Title I of ESEA," *Harvard Educational Review* 41 (February 1971): 35–63.

[15] Described in August 1982 telephone interview with Robert Turvene, ESEA Title I Program Office, U.S. Department of Education.

[16] Monica N. Holl, "The Title I Supplanting Prohibition," *NOLPE School Law Journal* 9 (1980).

[17] Martin Feldstein, "The Effect of a Differential Add-On Grant: Title I and Local Education Spending," *Journal of Human Resources* 8 (1978): 443–458.

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It is important to note, however, that gains in targeting efficiency were not the result of single-minded efforts by the federal Office of Education to prevent misuse of funds; OE was quite reluctant to antagonize the state and local education establishment and required considerable coaxing to regulate vigorously. For example, the number of supplanting allegations in OE program review letters dropped swiftly from highs of 198 and 346 in their first two years of monitoring to 80, 32, 64, 9, and 11 in the ensuing years, 1973–77.[18] Although the decline may have resulted from a sharp increase in compliance, it seems more likely—given the high level of HEW auditing that continued and the significant supplanting found as late as 1977—that OE tempered its accusations after the initial political pressure for tighter regulation subsided. This conclusion is also consistent with OE's refusal to collect all but $750,000 of the $266 million in potential violations identified by the HEW audit agency through 1978.[19] Although OE's immediate program staff in DED were inclined to accept audit findings, their superiors in the Office of the Associate Commissioner for Compensatory Education Programs were not, employing criteria that were most generous to state and local education interests.[20] Moreover, without Congress's willingness to legislate the major targeting regulations in great detail, it is not clear that OE would have imposed such stringent rules. The final Title I regulations specified in the 1978 ESEA reauthorization law were, in fact, drafted by a civil rights law firm after Congress rejected OE's less restrictive proposal.[21] Lastly, to facilitate compliance with the letter—but not the spirit—of Congress's requirement that each state annually submit a "Monitoring and Enforcement Plan" and an "Annual Program Plan," OE supplied all states with several-page form letters—with blanks for the names of states and responsible officials—that could be submitted in satisfaction of the requirement.[22]

Bureaucratic behavior such as this is hardly consistent with a corporatist relationship dominated by disadvantaged beneficiaries. To the contrary, it suggests a pluralist, if not captured, relationship in which inordinate representation is given to the interests of state and local school administrators who are attempting

[18] National Institute of Education, "Administration of Compensatory Education," 19 September 1977.

[19] Robert Goettel, "Federal Assistance to National Target Groups: The ESEA Title I Experience," in Michael Timpane, ed., *The Federal Interest in Financing Schools* (Cambridge, Mass: Ballinger Press, 1978).

[20] For elaboration, see the report of the National Institute of Education (1977), 29–39. The Office of Education's policy toward alleged violations of the supplanting regulation held that they would approve final determination letters only if the state admitted supplanting activities or pleaded no contest, the statute of limitations had reduced the original exception to near zero, or the amounts were a smaller part of a substantial finding based on another regulation. See Goettel, "Federal Assistance."

[21] Corroborated in interviews with The Lawyers Committee for Civil Rights under the Law and with John Stahle, head of office for Title I regulations, U.S. Department of Education.

[22] Documents supplied to me by Department of Education dated respectively 3 April 1979 and 13 February 1978.

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to minimize the costs threatened by targeting regulations and to become unrestricted beneficiaries of general aid. In fact, the interviews with interest groups and the bureaucratic officials responsible for Title I indicate that their implementation relationships were marginally pluralist.

Several types of interests were constituents of and political participants in the implementation of Title I: SEAs, represented by the Council of Chief State School Officials (CCSSO) and the National Association of State Boards of Education; LEAs, represented primarily by the American Association of School Administrators (AASA) and the National School Boards Association, but in some districts by the National Association of Administrators of State and Federally-Assisted Education Programs; teachers, represented by the National Education Association (NEA) and the American Federation of Teachers (AFT); and the parents of disadvantaged beneficiaries, represented by groups such as the Lawyers Committee for Civil Rights under the Law, the National Association for the Advancement of Colored People (NAACP) Legal Defense Fund, and the National Coalition of ESEA Title I Parents. In addition, intergovernmental lobbies such as the National Governors Association (NGA), the National League of Cities (NLC) and the National Association of Counties (NACo), and a peak education organization, the Committee for Full Funding of Education Programs (CFF) were interested, at the very least, in promoting federal expenditures for Title I and all other aid programs. The analytical questions are which of these many interests established working relationships with the Title I bureaucracy, and how.

Among the groups interviewed—including the major organization(s) in each interest sector—only two groups enjoyed close and regular interactions with the Title I bureaucracy, including the program office and all higher levels of authority: the Chief State School Officers and the Lawyers Committee. These often opposing organizations made it their job to monitor intensively the rulemaking and enforcement activities of the bureaucracy. The CCSSO—which advocated greater state discretion and control over Title I monies instead of tightly regulated pass-throughs to LEAs—reported "very cooperative relations" with the bureaucracy, while its members served as the exclusive state contacts with the federal program review teams. The Lawyers Committee—which pursued "enforcement of the targeting regulations as written" (i.e., vigorous regulation)—characterized the Title I program office as "sympathetic, effective and good," though still less than perfect, and enjoyed regular consultation with it. Another organization of disadvantaged beneficiaries, the Coalition of Title I Parents, also reported good bureaucratic relations; however, its contacts pertained entirely to the issue of local Parent Advisory Committees and never to matters of financial accounting. The other groups that were interviewed either restricted their political involvement on Title I to the congressional arena (NGA, NCL, NACo, and CFF) or had unsatisfactory and infrequent relationships with the bureaucracy (AASA and AFT).

The interests that managed to forge useful ties to the implementing

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bureaucracy were basically two: state level education administrators and disadvantaged beneficiaries—and the latter only indirectly, through a nonmembership civil rights organization. Notable unsuccessful interests included local school administrators (who voiced most of the complaints about burdensome reporting requirements), teachers (who complained about the pedagogical consequences of Title I such as the use of pullout programs and inadequately trained teacher aids), and general intergovernmental interests. The Title I bureaucracy reinforced these patterns of group participation by limiting its outreach efforts to a few organizations: the Lawyers Committee, the Title I Parents, the National School Boards Association, the CCSSO, and occasionally the AASA.[23] Two sectors predominated. Moreover, the regulators' primary method of consultation did not involve Washington organizations at all; it tapped the fifty state bureaucracies responsible for administering federal aid.[24] The concerns of teachers and LEAs were left for the SEAs to convey to the decision makers in Washington.

The implementation relationships of Title I were not, then, monopsonized by disadvantaged beneficiaries; they included substantial representation for SEAs and indirect representation for teachers and LEAs. The relationships were marginally pluralist, reflecting the initiatives of several Washington organizations and the outreach of the Title I bureaucracy in search of political support. The regulatory regime associated with these interactions indeed included the detailed language and accountability process advocated by disadvantaged beneficiaries, but its stringency depended heavily on congressional rule specification and was tempered by bureaucratic trust of SEA compliance behavior. Why this pattern emerged and how it might be affected by reforms will be examined after a brief look at our second case.

Vocational Education. From its inception in the 1917 Smith-Hughes Act until its significant revision in the 1963 Vocational Education Act, federal aid for vocational education was administered through a generally harmonious intergovernmental bureaucracy dominated by vocational educators.[25] After 1963, however, the harmony was broken by a series of statutory changes aiming to reorient vocational education from a practical training program for the middle class to an equal opportunity program for the disadvantaged. By 1976 Congress had legislated four "set-asides" reserving a total of 50 percent of the Basic Vocational Education grant for disadvantaged, handicapped, post-high school, and bilingual targets. Because Vocational Education is a dollar-for-dollar matching grant program, state or local governments must expend at least as much as the federal government in these set-aside areas if they want federal funds. It is the set-aside regulations plus detailed specifications of acceptable programmatic

[23] Interview with John Stahle, Department of Education.

[24] Ibid.

[25] Charles S. Benson, "Centralization and Legalization in Vocational Education," in David Kirp, ed., *School Days, Rule Days* (forthcoming).

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uses of federal funds that by 1980 stimulated widespread charges of excessive federal regulation.[26]

State and local vocational officials objected to the categorical set-asides for several reasons. First, they feared that their ability to compete for funds at the state and local levels would be hampered if the program lost its traditional image and acquired one as an antipoverty program such as manpower training or the Comprehensive Employment and Training Act (CETA). Second, because federal spending for Vocational Education constituted less than 10 percent of total vocational education expenditures, state and local officials perceived the demands of numerous set-aside regulations as unreasonable in relation to the small proportion of funds they involved. "Vocational education is a state program," a CCSSO spokesman argued, and, therefore, should not be regulated categorically by the federal government. Finally, differing needs across states made fixed percentage set-asides arguably inappropriate. The CCSSO spokesman explained that the states would prefer specification of flexible goals. Nonetheless, vocational education legislation grew during the 1960s and 1970s in length and detail—the 1976 Act totalled over sixty pages—while criticism of it kept close pace.

Given these developments, it is somewhat surprising to discover that the implementation relationships of vocational education in 1981 were plainly corporatist: the single largest beneficiary dominated. The potential pool of interests that might work with the federal vocational education bureaucracy included all of those groups touched by Title I plus other beneficiaries—women, the handicapped, the non-English speaking—the private sector, and last but not least, the vocational educators and adminstrators. Yet, only one group, the American Vocational Association (AVA), which represents vocational professionals, enjoyed a close relationship with the vocational bureaucracy in Washington. The AVA, whose core goal is the maintenance of autonomous State Boards of Vocational Education, as required by the Congress since 1917, characterized its ties with the Washington bureaucracy in 1981 much as it might have twenty-five years ago: "constant involvement," "no serious disagreements," and "very cooperative."[27] The participation of other groups was trivial by comparison. Even large private associations with strong interests in vocational programs—the United States Chamber of Commerce, the National Alliance of Business, and the Human Resources Development Institute of the AFL-CIO—had no direct bureaucratic input into federal vocational education policy.[28] And the Lawyers Committee, so complementary to the Title I bureaucracy, had "given up on the vocational education bureaucracy."[29]

[26] Three of the groups interviewed—AVA, CCSSO, and NGA—complained strongly about the problems of set-asides.

[27] Interview with the AVA.

[28] Reported in interviews.

[29] Interview with the Lawyers Committee.

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The dominance of the AVA in administrative politics was evident in the performance of the Washington bureaucracy. Notwithstanding detailed vocational legislation, the bureaucracy had not clarified important regulatory ambiguities nor developed an effective enforcement process. It maintained without priority the vague congressional criteria of unemployment, local fiscal base, and poverty to govern the allocation of federal funds by SEAs to LEAs. It had not developed sufficient rules to ensure nonsupplantation by federal funds of extant state programs for the disadvantaged.[30] It had not implemented the statutory requirement that state vocational plans be based on analyses of manpower needs.[31] Finally, it failed to monitor the use of federal funds in *any* regular way until 1976 when it instituted the "Management Evaluation Review for Compliance and Quality." By 1981 a dozen or so states were being evaluated on site each year. The effectiveness of this apparently careful process, though, is difficult to assess; a summary of 1982 monitoring reports showed noncompliance rates as high as 35 percent for regulations governing the use of set-aside funds.[32] What is more, refunds of misused funds—permissible under law—had never been sought.

What regulatory muscle the vocational aid program had was largely a result of legislation. Congress took complete initiative in supplementing traditional vocational goals with social equity objectives and wrote the regulations. Until Congress mandated them in 1976, financial audits of vocational education had never been conducted by the Department of Health, Education, and Welfare—nor perhaps by anyone else.[33] The vocational education bureaucracy in Washington, in fact, expressed dissatisfaction with its major regulatory responsibility—the set-asides—and made little effort to expand its programmatic consultation beyond the AVA.[34] A rather exclusive, corporatist relationship, dominated by the major beneficiary, underpinned federal vocational education policy in 1981, much as it had decades before.

Explaining Implementation Relationships: Constituency Initiatives

The Structure of Interests. One of the major determinants of the political activity and influence of an interest is its organizational development. Political success depends heavily on the ability of an interest to organize a large portion of its constituency into a formal interest group with substantial financial re-

[30] John E. Chubb, "The Political Economy of Federal Aid to Education," (Stanford, Calif.: Institute for Research on Educational Finance and Governance, 1984).

[31] Benson, "Centralization." Also reported in interview with George Quarles, U.S. Department of Education.

[32] U.S. Department of Education, MERC/Q System, "Regulations Found in Non-Compliance" (14 July, 1982). Internal document supplied to me by Department of Education.

[33] Telephone interview with Carol Lynch, Office of Inspector General, U.S. Department of Education, September 1982.

[34] When asked in the interview about problems with Vocational Education, the deputy assistant secretary complained that the federal set-asides were crippling local flexibility to serve local needs.

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sources, a swift grassroots lobbying capacity, and an expert staff of policy analysts, lawyers, and government liaison specialists. The balance of constituent initiatives toward the bureaucracy will likewise be shaped by the organizational success of constituent interests.

This balance will not likely reflect the relative, aggregate, functional stakes of interests in the policy being implemented. All interests are not equally capable of organizing their interests and becoming an important factor in a bureaucracy's political life. As the size of the potential membership of the interest group increases and the material stake in the interest of any given constituent decreases, the interest group becomes more difficult to organize and its membership and resources grow less optimal.[35] In other words, as an interest becomes more diffuse, it is less likely to be represented by a strong political organization. The major causes of this phenomenon are material disincentives for constituent support of collective action: first, the "free rider" incentive that discourages small contributions to political activities whose benefits are enjoyable regardless of contribution, and second, the negative "marginal material value" of political contributions by small constituents. Interests may try to overcome these organizational problems by providing selective incentives that constituents cannot receive without becoming members; however, the cost of these incentives subtracts from the organizational resources available for political action.

This theoretical "logic of collective action," as it is commonly known, causes variable problems for education interests. At one extreme are the parents of children eligible for federally-assisted education programs. Because their social interest is dispersed among tens of millions of persons, and they have no readily available selective incentives (other than purposive ones)[36] to offer, these beneficiaries face huge organizational obstacles. In fact, one of their national organizations, the National Coalition of ESEA Title I Parents, had enrolled only 3,000 members and operated on the most meager resources (Table 1) of all the groups in this analysis: two staff members and an annual budget of $125,000. The other "beneficiary organization," the Lawyers Committee, enjoyed greater resources only because it did not enroll members at all; its resources were provided by foundations. At the other organizational extreme are groups with relatively few potential members, each of which holds a large interest. These groups face only weak impediments to collective action and in the cases examined here—the CCSSO, National Alliance of Business (NAB), and NGA—had

[35] Mancur Olson, Jr., *The Logic of Collective Action* (Cambridge, Mass.: Harvard University Press, 1965); and Terry M. Moe, *The Organization of Interests* (Chicago: University of Chicago Press, 1980).

[36] "Purposive incentives" may be understood as the psychological rewards people derive from contributing to worthy causes. They are thought to motivate many of the supporters of so-called public interest groups. See Jeffrey M. Berry, *Lobbying for the People* (Princeton, N.J.: Princeton University Press, 1977).

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TABLE 1

Interest Group Resources, 1981

Group	*Annual Budget*	*D.C. Staff*	*Financial Support*
American Association of School Administrators	$5 million	70	20,000 superintendents
American Federation of Teachers	$23.2 million	85	670,000 teachers, others
American Vocational Association	$2.5 million	50	55,000 teachers, administrators
Committee for Full Funding of Education Programs	$75,000	2	20 education lobbies
Council of Chief State School Officers	$1.5 million	20	56 states, territories
Human Resources Development Institute (AFL-CIO)	NA	40	25 unions
Lawyers Committee for Civil Rights under the Law	NA	31	foundations
National Alliance of Business	$13 million	140	100 largest U.S. corporations
National Association of Counties	$6 million*	20	2000 largest counties
National Coalition of ESEA Title I Parents	$125,000	2	3000 parents
National Governors Association	$4 million	60*	50 governors
National League of Cities	$7 million	200	15,000 cities
United States Chamber of Commerce	$17 million	400	101,000 businesses

* Estimates. All other data from interviews. NA = not available.

organizations with comparatively large budgets and staffs.[37] In between are groups whose potential membership is large—but not nearly as large as that of parent groups—and who overcome their organizational disadvantages by using substantial material selective incentives: pensions, health and insurance programs, professional journals and information, and in the case of teacher unions in some states, compulsory membership. These groups, comprising the remainder of Table 1, built large organizations through their services as professional associations; lobbying in Washington was done primarily with the funds that remained after paying for member services.

The general effect of the logic of collective action is to facilitate the participation of professional education, business, and labor interests and handicap the participation of economically disadvantaged interests in implementation relationships. This well known effect[38] ignores, however, two factors that also determine implementation relationships and can counteract the inherent political disadvantage of target groups. The first is the effort the bureaucracy can make to

[37] The Committee for Full Funding is an exception to this effect because it is not a formal organization; it is rather a lobbying collective dependent almost entirely on the staffs of its member organizations for resources.

[38] James Q. Wilson, *Political Organizations* (New York: Basic Books, 1973), chap. 16; and James Q. Wilson, ed., *The Politics of Regulation* (New York: Basic Books, 1980), chap. 10.

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encourage the participation of the representatives of the poor and to build political support among them. The other factor is the structure of the implementation process, which affects the costs and the benefits of constituent initiatives and thereby either raises or reduces the organizational hurdles faced by constituent interests. Variations in this factor affect the structure of implementation relationships and in turn the performance of the policy.

The Structure of the Process. Assuming that interest group leaders choose their forms of political involvement by comparing the expected policy benefits of a political strategy to the organizational costs of the strategy, anything that affects those costs and benefits will affect constituent initiatives. The structure of the implementation process does this in many ways, but probably the most important is its emphasis on "regulation" or "allocation"[39] tools to accomplish policy goals.

Policy makers have two broad options available to them for effecting social change. They can either provide the means or incentives to target groups for changing their behavior, or they can require specific social change by law and impose sanctions for failure to comply. The first policy instrument, allocation, tries to accomplish social goals by providing resources to individuals or groups who are trusted to use them in good faith pursuits of social goals or by rewarding with resources groups or individuals who demonstrate good progress toward the fulfillment of social goals.[40] Allocation instruments, particularly of the "fund and trust" variety are favored by most education professionals, especially at the state level, for the pursuit of federal equality goals. The second basic policy tool, regulation, intervenes more authoritatively in the social system; target groups are instructed with great precision how they must change their behavior. Regulation is, of course, the method of federal intervention opposed by education professionals—or favored only in weaker forms.[41]

Among the many factors that affect the success of these policy strategies—for example, the quality of policy theory, validity of performance measures, adequacy of service technology—the political relationships between the federal implementing agency and its constituency are quite important. Allocation instruments cannot work if a political relationship of trust and mutual interest does not exist between the federal bureaucracy and the recipients of federal funds. Regulation instruments are blunted if the federal agency is not supported politically by the beneficiaries of its authority. What is important to recognize about these political relationships is that they are at least partly manipulable through the choice of policy instruments or mixes thereof. The effects of different instru-

[39] Chubb, *Interest Groups*, chap. 3.

[40] This distinction parallels one drawn between "input" and "output" controls in Guy Benveniste, *Regulation and Planning* (San Francisco: Boyd and Fraser, 1981), 80–83.

[41] LEAs do, however, generally favor targeted categorical programs such as Title I; federal targeting reduces the uncertainty of competition at the state level for general funds. Their regulatory objections are aimed at the accountability rules and reports of categoricals.

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ments on constituent initiatives are, moreover, predictable from the interaction with organizational constraints.

Allocation programs encourage patterns of constituent initiatives with a tendency toward monopsony—beneficiaries predominate and cost-bearers are scarce. The reason is straightforward. Allocation policies distribute benefits in relatively concentrated amounts to target groups and dispense costs relatively widely. Material incentives for organizing, and in turn, resources for political action, are high for beneficiaries and low for cost-bearers. In the extreme—as, for example, with price supports for agricultural commodities—the policy costs are so thoroughly diffused, often among all consumers and taxpayers, and the benefits are so narrowly focused, that the group representing the beneficiary interest is the only constituency interest that approaches the bureaucracy.[42] Precisely the opposite pattern is generated by regulatory policies. Regulation usually prescribes the behavior of some target group for the benefit of society generally or at least some large social aggregate. The organizational incentives are, therefore, heavily concentrated on cost-bearers and widely diffused among beneficiaries. Constituency initiatives toward regulatory agencies tend toward monopoly. Neither polar tendency is conducive to optimal policy performance, for monopsonistic initiatives discourage cost efficiency and monopolistic initiatives jeopardize intended benefits. One of the keys, therefore, to improved performance is to employ a mixture of policy instruments that encourages patterns of constituent initiatives somewhere between these poles.

ESEA Title I (today, Chapter I) and Vocational Education employ mixtures of the allocation and regulation instruments. On the one hand, they are allocation policies, dispensing educational resources to disadvantaged children and schools in pursuit of the goals of higher and more equal educational and economic achievement. On the other hand, they are regulatory policies, attempting to prescribe and carefully supervise the programs that education professionals provide with federal funds. Both instruments are employed with the aid of state and local education agencies. Federal funds are allocated to SEAs, which in turn allocate them according to a federal formula to LEAs, but only after insuring that federal regulations are being followed. The constituent initiatives generated by this mixture of policy instruments are predictable and problematic.

Because federal funds are channeled through state and local bureaucracies, more potential beneficiaries than simply the economically disadvantaged are established. The professionals staffing the SEAs and the LEAs stand to benefit most from federal aid if the funds can be used in ways that they choose. The interests of these education professionals and the poor (or other targets)—which must be assumed to conflict to some degree to justify the federal role—compete for policy benefits. Competition among program beneficiaries is not necessarily

[42] These ideas were first developed by Wilson, *Political Organizations*, chap. 16. He did not address, however, the full range of organizational factors that influence the selection of particular political strategies by group leaders. See Chubb, *Interest Groups*, chap. 2, conclusion.

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undesirable, and under approximate market conditions it is valuable. If the incentives and resources for participation are, however, skewed to favor a particular beneficiary, competition is a problem. Title I (now Chapter I) and Vocational Education foster precisely such an imbalance. By concentrating substantial administrative and pedagogical costs on education professionals, they create substantial incentives for organized political action. The addition of these cost-bearer incentives to the incentives of potential financial benefit gives education professionals a much stronger incentive than the ultimate beneficiaries to maintain political liaison with the federal bureaucracy.

The expected consequence of this incentive system is a pattern of constituency initiatives tending toward monopsony—but not by pure beneficiaries. The organizational incentives of interests in a dual role as beneficiaries and cost-bearers far outstrip the incentives of interests that are merely beneficiaries. Constituency pressure on the bureaucracy should largely involve the efforts of education professionals to minimize their costs and to increase their implementation discretion, and thereby, their benefits. The pattern is better viewed as monopsony than as monopoly because the professionals are legislatively intended to be beneficiaries of the policy—but at a federally specified cost. This is the political pattern that prevailed in Vocational Education, where all of the relevant education professionals were organized in the AVA and set-aside beneficiaries were poorly organized. Regulatory costs were reduced and professional benefits increased through ambiguous accounting rules, lax enforcement, and the maintenance of considerable state discretion over programs. The pattern in Title I was not monopsonistic, but pluralistic, primarily because the foundation-supported Lawyers Committee was able to bypass organizational disincentives. Because the tax laws prohibited it from spending more than 20 percent of its resources on congressional lobbying, the Lawyers Committee was encouraged, moreover, to pressure the bureaucracy. Without philanthropic foundation involvement, however, Title I might also have been monopsonized.

Explaining Implementation Relationships

Implementation relationships are not determined solely by the efforts of constituent groups bent on administrative influence. A bureaucratic agency need not "cave in" to the narrow demands of a monopsonistic or monopolistic constituency. If the agency's interests are not well served by a particular pattern of constituency demands, it can attempt to build support among other members of the constituency. Traditional theories of bureaucratic capture tend to ignore the independent power of agencies to structure their political constituencies.[43] This is misguided because implementation relationships are logically two-way streets.

Under what conditions, then, will an agency pursue corporatist, pluralist, or

[43] Samuel P. Huntington, "Clientelism: A Study in Administrative Politics," Ph.D. dissertation, Harvard University, 1950; and Bernstein, *Regulating Business*.

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cooptive tactics toward interest groups? Most likely, under conditions imposed by its political sovereigns. Notwithstanding the substantial leverage agencies enjoy with their sovereigns,[44] their prosperity and their very survival is in the hands of political authorities—over whom interest groups enjoy no small amount of influence. It is only logical, therefore, to consider the ways in which those authorities—Congress, the president, and the courts—affect strategic behavior by bureaucrats toward interest groups. Differences in external constraints and demands across agencies yield predictable differences in bureaucratic strategies.[45]

Congressional behavior is helpful in explaining not only the differences in bureaucratic strategies between Title I and Vocational Education but also in accounting for the generally weak efforts of both programs to cultivate support among representatives of the disadvantaged. The raison d'etre of Title I was aid to educationally or economically disadvantaged students; it was the legislative cornerstone of Lyndon Johnson's War on Poverty,[46] and it grew to a size commensurate with its centrality to the federal role in education. Notwithstanding early misunderstandings among state and local officials about its possible use as general aid and subsequent congressional squabbles over definitions of the eligible poor, Title I was generally perceived as an educational opportunity program. Vocational Education, by contrast, was established by, and is largely sustained by, state and local governments. Federal aid was not only a small percentage of national program expenditures; it has a long history of deference to state and local objectives. In 1981 no single set-aside established by Congress commanded more than 20 percent of federal vocational aid, nor more than about 4 percent of total vocational education expenditures. Half of the Basic Grant remained discretionary. In short, Congress never intended Vocational Education to serve primarily as an opportunity program.

Congress transmitted correspondingly different signals to the bureaucracy about how the programs should be implemented. Beginning with the 1970 ESEA Amendments, Congress steadily tightened the accounting regulations by statute to insure the supplementary nature of Title I and its delivery to the appropriate LEAs. At the request of Congressman Carl D. Perkins, Chairman of the House Education and Labor Committee, the 1978 reauthorization bill even employed regulatory language drafted by the Lawyers Committee.[47] Congressional intent could hardly have been clearer. The program had but a single ultimate beneficiary—the children of the poor and near-poor—and was important to the

[44] See William A. Niskanen, Jr., *Bureaucracy and Representative Government* (Chicago: Aldine Press, 1971); and Gary Miller and Terry M. Moe, "Bureaucrats, Legislators, and the Size of Government," *American Political Science Review* 77 (June 1983): 297–322.

[45] In *Interest Groups* I have developed and tested numerous propositions about specific institutional constraints; herein only the most general effects are discussed.

[46] See Eugene Eidenberg and Roy D. Morey, *An Act of Congress: The Legislative Process and the Making of Education Policy* (New York: W. W. Norton, 1969).

[47] Interviews with Lawyers Committee and ESEA Title I Officials.

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constitutents of most Democratic party representatives who, not incidentally, controlled the House of Representatives throughout Title I's existence and reached a modern apex of strength in the post-Watergate Congress of 1975–76. If Congress had failed to insure that Title I funds reached the intended targets and supplemented their educational resources, the program would have lost its policy justification—not to mention its electoral value in districts receiving the money.

Vocational Education, on the other hand, had a number of opportunity goals piled upon it and beneficiaries brought under its tent, none of which commanded a truly sizeable amount of federal resources, and all of which might be considered symbolic. The largest set-aside, for example, provided disadvantaged students with approximately $113 million in federal aid in 1980; Title I provided them over $3 billion. Vocational Education was simply not a program that Congress promoted primarily for the poor or the handicapped or any other disadvantaged target group; the program's traditional manpower justifications remained paramount. Members of Congress could claim credit in their election campaigns for legislating the set-asides, but to have gone further by insisting on vigorous enforcement would have risked alienating the constituency of vocational professionals and organized labor that paid closest attention to the program.[48] The language of vocational statutes during the 1960's and 1970's conveyed unmistakably Congress's ambivalence; SEA allocation criteria were essentially goals without priorities, and set-asides were not backed up by the tough nonsupplanting regulations that distinguished Title I. If Congress had wanted the Vocational Education bureaucracy to orient its program toward disadvantaged constituencies, it would have authorized it in stricter and unambiguous terms—as it had the Title I bureaucracy.

The formal oversight behavior of Congress also supports the conclusion that congressional signals to the Title I and Vocational Education bureaucracies differed significantly. In the twelve years after Congress shifted the thrust of Vocational Education in 1963, it failed to hold a single oversight hearing to examine compliance.[49] After 1975 it held but four hearings. Title I, by contrast, was the subject of periodic oversight hearings beginning in 1970, totalling nine through 1980. Assuming informal congressional oversight followed similar patterns, it would not be surprising to find the Title I bureaucracy more attentive than the vocational bureaucracy to regulatory enforcement. And the assumption is certainly warranted: informal oversight is usually casework done in response to constituent complaints—which were surely greater in the widespread, highly visible Title I programs.

[48] For example, labor unions contributed 17 percent of the witnesses in congressional hearings concerning Vocational Education during the period 1965–1980. Determined through coding of all published hearings on Vocational Education.

[49] The oversight data were obtained by an exhaustive review of all congressional hearings pertaining to Vocational Education and Title I during the period 1965–1980.

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Congressional behavior differed significantly, then, between these programs, but it is equally important to note that Congress received substantial support in both programs for more relaxed regulation. Both programs, for example, provided representatives with the potential political support of the huge education community. As evidence, Title I attracted 207 witnesses and Vocational Education 542 witnesses to congressional hearings between 1965 and 1980; 97 percent and 87 percent of those respective totals were education professionals.[50] Congress could scarcely have missed the point that most of the politically active supporters of these programs favored more flexible regulation of federal grants. Similarly, groups such as the American Association of School Administrators, the American Federation of Teachers, and the American Vocational Association have large memberships that Congress is loathe to alienate. As a spokesman for the AASA explained: "our relations are 100 percent better with Congress than with the bureaucracy; our members (superintendents) are politicians themselves, and congressmen value their friendship and political advice."[51] Given the electoral interests of Congresss, it would be folly to expect members to have ignored the interests of millions of educational professionals. Therein lies an obvious but important reason why Congress tolerated the sometimes generous behavior of the education bureaucracy toward regulatory infractions.

Yet another reason these bureaucracies might have felt comfortable entrusting spending decisions to SEAs is the apparently tolerant posture of four presidential administrations. The Johnson administration, though it led the War on Poverty, designed ESEA in consultation with the National Education Association and other private and public educational interests.[52] Title I was enacted as compensatory aid for poorer school children, but the administration supported an interpretation of its implementation that left considerable spending discretion to state and local officials.[53] It is even more unlikely that Johnson exerted any pressure on behalf of the enforcement of the disadvantaged portion of Vocational Education: the only set-aside established prior to 1968, it involved a trifling $10-$20 million and was not part of his legislative War on Poverty. Presidents Nixon and Ford were also less than vigorous in their support of regulation for the disadvantaged. Nixon's intergovernmental initiatives favored general revenue sharing and dismantling of categorical poverty programs. Both Presidents, moreover, regularly proposed budget cuts in Title I, only to have them restored by Congress. Jimmy Carter, who was electorally more dependent upon the poor, also failed to insist on their protection in implementation. It was his administration's ESEA reauthorizing bill that Congress rejected in favor of the one drafted by

[50] Data obtained from coding all authorization, appropriation, and oversight hearings pertaining to Title I and Vocational Education, 1965–1980.

[51] Interview with American Association of School Administrators.

[52] Eidenberg and Morey, *An Act of Congress.*

[53] Kirst and Jung, "The Utility of a Longitudinal Perspective."

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the Lawyer's Committee, and his political alliance with the National Education Association—a major advocate of less regulation—that led to the creation of the Department of Education. Through four presidential administrations, then, the bureaucracy was probably little constrained by the White House from pursuing a cautious regulatory route.

The courts, the final influence on agency behavior, were a factor, but only in the implementation of Title I. With the more detailed legislation enacted for Vocational Education in later years, legal challenges were becoming more feasible—for example, the Lawyers Committee was considering suits on enforcement of sex equity rules—but until the late 1970s legitimate bureaucratic discretion made legal challenges difficult.[54]

Judicial participation in the implementation of Title I supported the interests of disadvantaged beneficiaries, but only in the later years. Prior to the 1978 reauthorization of ESEA, recipients of Title I aid did not have standing to sue for benefits in federal courts. After 1978 the federal courts decided several cases of consequence for the federal bureaucracy's relations with its constituents. In *Alexander v. Califano,* a class action suit filed by Title I parents against the Richmond (California) Unified School District, the courts rejected the school district's argument that nonsupplantation rules were not to be strictly enforced when they conflicted with the educational program design over which local authorities had jurisdiction.[55] Local discretion over educational programs was not an adequate justification for the supplantation of local or, in this case, state funds with Title I funds. The *Alexander* decision reduced some of the ambiguity in the nonsupplantation rule and enhanced the opportunity for legal recourses by disadvantaged beneficiaries. In *Nicholson v. Pittinger* the courts reinforced the view of the enforceability of the nonsupplantation rule. The courts rejected the defense of the LEA and SEA defendants that nonsupplantation was essentially a precatory rule requiring good faith implementation effort but not requiring detailed accounting of all program increments added with federal funds.[56] The courts, however, drew important boundaries for their support of the rights of Title I recipients. In *Natonabach v. Board of Education of Gallup-McKinley County School District* the federal courts agreed not to judge the auditing procedures employed by the bureaucracy to enforce Title I rules—a view that permitted the agency to continue to rely on SEA monitoring of LEAs rather than direct supervision. Although the consequences of these late judicial decisions for the political strategies of the Title I bureaucracy can only be surmised, the support they lent to the claims of disadvantaged beneficiaries was probably not unrelated to the satisfactory relationships enjoyed by litigating interest groups like the Lawyers Committee.

[54] Interview with Lawyers Committee.

[55] *Alexander v. Califano,* 432 F. Supp. 1181 (1977).

[56] *Nicholson v. Pittinger,* 364 F. Supp. 669 (1973).

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Conclusion

The objective of this analysis was to clarify the problem of "excessive" regulation by imbedding it in a model of implementation politics and outcomes. The model was constructed from two organizational dimensions of the implementation process: the administrative influence of interests affected by a policy and the strategies of implementing agencies to build political support among those interests. Their effects on policy performance, *ceteris paribus*, may now be summarized succinctly. If a policy unevenly distributes the incentives for organized participation in implementation by beneficiaries, cost-bearers, or interests with both roles to play, an undesirable outcome may result: displaced goals and unrealized benefits if cost-bearing interests are disproportionately encouraged, and inefficiency or excessive regulation if beneficiaries are disproportionately encouraged. Policies that encourage the imbalanced representation of interested parties may be corrected through bureaucratic efforts if agencies are constrained or encouraged to represent the underrepresented. Without those constraints, the agency will likely accommodate its most active constitutents and support unintended outcomes such as goal displacement or excessive regulation.

Extensive, though not necessarily excessive, regulation is likely to emerge, then, under two sets of conditions: if beneficiaries dominate the implementation process while the agency receives no support from its political sovereigns for cost-saving measures (for example, a prospect at the Occupational Safety and Health Administration), or if cost-bearers dominate the implementation process but the agency receives strong sovereign pressure to police recalcitrant cost-bearers. The latter situation is the more common because the cost-bearers of policies implemented through highly legalistic means usually experience more concentrated organizational incentives than the beneficiaries. Such is often the case in categorical grant programs for the poor. Legislation that seeks to benefit disadvantaged interests by providing funds to state and local governments promotes implementation relationships in which the federal bureaucracy is besieged by intergovernmental lobbies. If the grantees hold interests at odds with those of the disadvantaged beneficiaries, and, therefore, view their role in the grant process at least partially as that of a cost-bearer, their participation will be aimed at reducing costs or "loosening strings." Without support from its poorly organized beneficiaries or its political sovereigns, the agency is likely to accommodate its active intergovernmental constituents and tolerate the displacement of some benefits targeted for the disadvantaged. This is apparently how the Title I bureaucracy behaved until the early 1970s and how the vocational bureaucracy performed until still later. Congress then responded to the implementation problems by directly commanding proper fund administration by state and local grantees. If the bureaucracy could not be trusted to enforce congressional intent upon well-organized cost-bearers, Congress would regulate them by statute. In Title I and to some extent in vocational education this is precisely what Congress

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did. With the further encouragement of the courts, the Title I bureaucracy, at least, came to feel secure in more vigorous regulation.

Whether regulation in these and similar cases of federal grants-in-aid is excessive may fairly be judged against the ability of less-regulatory methods to produce equivalent benefits. Considering the effects that implementation relationships may have upon policy performance, the most popular current alternative—block grants—makes current regulations seem less excessive. Block grants would essentially convert federal educational aid from a mixed regulation-allocation program to a pure allocation program. Although the intended beneficiaries of the allocation would remain various disadvantaged populations, their participation would be meaningful only at the state and local levels where fund utilization decisions would be made. In these decentralized arenas, disadvantaged beneficiaries would compete with education professionals and with each other. Two effects of this transplanted conflict are predictable. First, disadvantaged interests will exert less control over the spending of federal funds without the now-useful support of Congress and the federal courts. Second, the provision of benefits will be substantially unequal across subnational jurisdictions—an unsettling consequence for programs intended to equalize opportunity. At the federal level, moreover, block grants may have an unintended and undesirable effect. The federal bureaucracy will, under a block grant system, view LEAs and SEAs as its sole beneficiaries. To justify its very existence, the federal education bureaucracy will probably develop a corporatist relationship with education professionals, become a strong advocate for educational spending, provide little encouragement to cost efficiency, and potentially rival extensive regulation in the waste of federal funds.

By comparison, radical reforms, such as educational vouchers, are more sensitive to the political causes of policy impacts, and, *ceteris paribus*, more likely to satisfy federal goals efficiently. Vouchers address the fundamental problem of current implementation relationships: the inherently unequal competition between intermediate and ultimate beneficiaries. By giving income-based educational vouchers to all families, or at least the families of the poor, potentially fair economic competition—between schools and between education consumers—would replace the unfair political competition between the economically disadvantaged and the education professionals. This is not to pass favorable judgment on the behavior of education markets that have themselves been subject to extensive criticism,[57] but only to stress that vouchers confront a crucial problem of implementation. A less radical reform, such as the intergovernmental decentralization advocated by the Reagan administration, will reduce federal regulation, but because it promotes noncompetitive implementation relationships, will probably not accomplish federal goals more efficiently.

[57] David K. Cohen and Eleanor Farrar, "Power to the Parents? The Story of Education Vouchers," *The Public Interest* 48 (Summer 1977).

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Book Reviews

American Leadership in World Affairs: Vietnam and the Breakdown of Consensus *by Ole R. Holsti and James N. Rosenau. Winchester, Mass., Allen and Unwin, 1984. 301 pp. Cloth, $28.50; paper, $9.95.*

Vietnam has been blamed for many things—killing the Great Society reforms, disrupting American campuses, even warping the psyche of an entire generation. Now two industrious political scientists have written a book claiming that the war in Southeast Asia is responsible for the failure of American foreign policy since 1975.

The central theme of this intriguing survey of the foreign policy views of American leaders is that the Vietnam War destroyed the Cold War consensus that prevailed from the 1940s to the 1960s and created rival belief systems that have prevented the formation of a new consensus. Relying on both contemporary books and periodical articles on foreign policy issues and on two extensive surveys of elite opinion taken in 1976 and 1980, Holsti and Rosenau document a continuing debate between hawks and doves (although they carefully avoid these terms) that they contend has prevented the United States from pursuing a logical, consistent, and successful foreign policy.

Much of the book, in the manner of most social science survey literature, simple documents the obvious. The extensive tables show that Vietnam divided the economic, educational, and political elite in this country, although one might question the exact split into seven distinct positions on the war. As a result, a Vietnam syndrome replaced the Munich analogy that had undergirded the Cold War consensus for two decades following World War II. Those who supported the Vietnam War concluded it was lost only because of poor strategy and tactics, dissent at home, and an unwillingness to stay the course. Consequently, they persisted in urging a continuing American effort to contain an aggressive, expanding Soviet Union and to maintain a favorable balance of military power. Critics of the Vietnam conflict, however, were split into two groups. One, labeled by the authors Post-Cold War Internationalists, played down rivalry with the Soviet Union and stressed instead the need for the United States to take the lead in easing world poverty and ending the nuclear arms race. The other, called Semi-Isolationists in honor of George Kennan, preferred to have the nation focus on its internal problems and abstain from either helping or hurting Third World countries. Neither efforts at new policies, such as Nixon's

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détente and Carter's human rights approach, nor events abroad, like the Iranian hostage crisis and the Soviet invasion of Afghanistan, altered these foreign policy views that were the lasting consequences of the Vietnam War. Even the election of Ronald Reagan in 1980 made little difference, the authors contend, except perhaps to deepen the differences among American leaders over the proper role of the nation in the world.

The chief difficulty with this study is the authors' assumption that consensus is not only desirable but necessary. Despite the fact that they admit that consensus has been the exception rather than the rule throughout most of American history, they seem convinced that only a broad agreement on means and ends can enable the United States to pursue an effective and successful foreign policy. This assumption appears to be based on a nostaligic view of American diplomacy from 1945 to 1965, when bipartisanship and fear of communism led to the policy of containment under Truman, Eisenhower, and Kennedy. The history of these years, from the Berlin blockade of 1948 through the Suez crisis of 1956 to the Cuban missile crisis in 1962, when Kennedy, Khrushchev, and Castro came close to incinerating the globe, suggests that consensus might not be the best possible condition for an effective and successful foreign policy for the United States. Perhaps the healthiest consequence of the otherwise unfortunate Vietnam War was the destruction of the Cold War consensus and the reemergence of the dissent, variety, and spontaneity that should characterize the way a democracy faces up to its responsibilities in the world.

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Can Modern War Be Just? *by James Turner Johnson. New Haven, Yale University Press, 1984. 215 pp. $17.95.*

This book will please neither those who wish by an act of will or faith to abolish war or nuclear weapons, nor those who count on technological cleverness or armed strength to secure partisan advantages while risking war. As an unspectacular and very sober overview of the stakes of current violence, it risks bypassing audiences unwilling to think "about the unthinkable" and ones willing to think about it in all forgetfulness of moral restraint. It cleaves to an uncertain center between total pacifism and unprincipled bellicosity. These traits should recommend it to every person living in the real world.

Johnson models his wise, prudential, and moral thesis within the notion of "just war." Just war, as he points out, is not to be understood as a doctrine deduced from theology, but as a tradition imbedded in the best secular and religious values of western thought, specifically Augustinian theology, canon law, Roman civil law, and medieval chivalry (p. 4f). Thus he manages to widen the debate to a general assembly of listeners, from the Pentagon to the Christian clergy, passing by way of the relatively informed public.

The just war tradition comes in two packages: starting war (*jus ad bellum*) and waging

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war (*jus in bello*). Although Johnson seems, at the start, to disappoint us in wanting to concentrate only on the second (p. 3), his study amply covers both and their interlocking relationships. In effect, *jus ad bellum* and *jus in bello* cannot effectively be treated apart, as the author shows us in an early illustration (p. 18f) and in a reprise on *jus ad bellum* (p. 174f). The author's account of the tradition represents it "above all as a fund of *practical* moral wisdom" (p. 15). This means its availability to all of us: "the safety of the community is every citizen's responsibility" (p. 154). It is not just a means by which the clergy or the international lawyers reprove or constrain the use of force.

Tradition means what it says: "The moral problem in contemporary war is the same as it has been in wars of the past: to hold the destructive potential in check, to make sure the use of force serves to protect and save values rather than destroying all that it touches" (p. 127). Johnson suggests that we create a typology of five sorts of violence (strategic/thermonuclear, limited/theater thermonuclear, conventional, revolutionary/conventional, and terrorist). The ends of the spectrum prove the most damnable. There is a "*juste milieu*" in the center, and we are counselled that our reasoning about just war should focus on that point (p. 24). He finds the Falkland Islands war between Britain and Argentina exemplary in this respect. He tests ways in which wars are defined under *jus in bello*: justification of the level of force, proportionality to secure good over evil (tactically), discrimination against noncombatants. Within his interpretation of the just war tradition, Johnson tells us that war is a gradation of "lesser evils": counterforce rather then counterpopulation, lesser damage and loss of life as against greater wantonness (as projected into the future), "milder war" as opposed to "shorter war," "proportionality" of the means of force, use of the most discriminating weapons and control systems, and hope (based still on deterrence) that a world-crippling war will not ensue while armaments are scaling down.

Johnson has no illusions that violence could be eradicated from human society, although he hesitates to place the blame at any single level of analysis. He teaches us that we must live with conflict and learn to be moral within its intricate reality. In his forceful arguments about this—which show that one need not be a moral fanatic or a specialized technician to grasp the essentials—he urges us to calculate in less than absolute moral terms (an ethic of responsibility?) to weave our findings into the structure of our military forces. As he puts it: "The paradigm for moral limitation in war calls for employing the least force necessary, using it against forces of the enemy, and doing so in such a manner as to avoid directly and intentionally bringing harm to noncombatants" (p. 144). Hence, he provisionally defends weapons like the neutron bomb and the cruise missile.

Johnson's injunctions between the "is" and the "ought" are intentionally un-utopian. His case could be opposed on grounds of geopolitics, the economy of weapons systems, "national will," etc.; or, alternatively, on grounds of "pure morality," the future of the planet, and a general repugnance toward war. Since his book is a collection of essays and lectures, he tends to repeat himself. And clearly he cannot cover the waterfront of this most important issue. But, arguing within the "just war" framework, he has written a most important book, one that all Americans who can should read.

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The Security Gamble: Deterrence Dilemmas in the Nuclear Age *edited by Douglas MacLean. Totowa, N.J., Rowman & Allanheld, 1984. 170 pp. Cloth, $29.95; paper, $14.95.*

Most books that constitute a collection of conference papers are of uneven quality, gain little by being printed between the same covers, and lack an adequate index. *The Security Gamble* has an excellent index. But it is not likely to be heavily used. Only a few of the chapters in the book are very good, and the selection of topics covered is a bit random, although several of the essays concentrate on moral aspects of deterrence.

It is hard to make a coherent review of a set of papers, so I will be content to comment briefly on each essay. McGeorge Bundy makes some important points about "existential deterrence," but his arguments have been better developed in his essays in the *New York Review of Books*. Gregg Herken's brief discussion of nuclear thinkers is useful only for its reminder of the importance of William Liscom Borden's *There Will Be No Time*, a 1946 book which brilliantly outlined much of the coming technology and war-fighting nuclear doctrine. George H. Quester's contribution is one of the two excellent essays in the book. He discusses why the military usually gravitates toward counterforce doctrines and talks about the role Soviet strategic pronouncements have played in heightening American anxieties over Soviet intentions. The essays by Christopher M. Lehman and William Greider discuss the issue of the extent to which American defense policy has been influenced by the general public. The issue is important, but the treatment remains at the level of a bad introductory textbook.

The remaining essays discuss morality and nuclear weapons. Bryan Hehir, who helped draft the bishops' pastoral letter on nuclear deterrence, nicely summarizes the arguments in it and several of the dissenting views it has spurred. He notes what others have missed: the bishops "left a sliver of ambiguity about use" of nuclear weapons (p. 68). George Sher's short commentary on the bishops' letter does not add much, although he does make the nice point that a world which reduced nuclear arms and was temporarily less conflictful might "degenerate into a new arms race that was less stable than a deterrent stand-off" (p. 79). The essays by David Gauthier and Gregory S. Kavka discuss the rationality and morality of large-scale nuclear retaliation. Since carrying out such a strike would be useless and murderous, can it be sensible or rational to threaten to do so? There are some important issues buried here, but the treatment serves more to obscure than to illuminate them. As David Lewis points out in his brief but excellent essay, what is crucial here, as in other aspects of deterrence discussed by Bundy, is the importance of uncertainty. People could not know the effect of their actions were a war to occur and it is doubtful whether any decision maker could predict in the calm atmosphere in which plans are made how he would react if war actually came.

In sum, while a few of the essays in *The Security Gamble* are worth reading, the collection as a whole has little to recommend it. It says little that will be new to those familiar with the field and is too incoherent to be recommended to those who are less involved.

ROBERT JERVIS
Columbia University

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The Bishops and Nuclear Weapons: The Catholic Pastoral Letter on War and Peace *by James E. Dougherty. Hamden, Conn., Archon Books, 1984. 225 pp. $22.50.*

This is the third book to appear in as many months on this subject. Given that James Dougherty is a professor of political science and vice president of the Institute for Foreign Policy, it has a different cast from the other two by Philip Murnion and James Castelli. In the author's words, this present study was designed "to probe beneath the contemporary emotional bumper-sticker philosophisizing which characterizes much of the current public controversy about the Church and nuclear weapons" (p. 17). He does this by a judicious study of the theological launching sites of the pastoral letter: pacifism and just war theory and development. He also wisely concentrates on the notion of deterrence which is central to the letter and on which he somewhat differs from the bishops' stance, if I read him correctly.

Dougherty also situates the letter in the changing intellectual position of the American Catholic community vis-à-vis Rome and the European bishops. This historical perspective also includes consultations held with Rome and the European bishops during the preparation of the letter and the subsequent letters of the French and German bishops, milder than the American version and more in keeping with governmental defense policies there.

Dougherty is clear on where he stands and fair in both disagreeing with certain tendencies in the letter and in recognizing at the same time that the bishops' primary role is prophetic teaching, not technical details of arms control.

This book should be welcomed by scholars, since it has thirty-five pages of excellent footnotes and a comprehensive bibliography, much of which will be helpful to those not especially schooled in Catholic theology and tradition.

For myself, I would welcome another book, equally thorough, objective, and fair, that would conclude somewhat differently. The bishops most fervent hope was to put this quintessential moral question of all times in a framework of faith and reason, to stimulate discussion by raising serious moral questions about current defense policy, to take very few definitive moral positions such as: it is impossible to justify in any way the killing of a hundred million or more innocent people; there is no possible reason for starting a nuclear war given the great probabilities of escalation into all-out nuclear war; and, most importantly, deterrence is a policy to be only tolerated while serious efforts are being made to diminish the mounting nuclear arsenals, especially new systems that are totally destabilizing. The only rational ultimate goal is to eliminate all nuclear weapons. What humans have built, they can dismantle, a most difficult political task, especially given the present climate between the superpowers, but not an impossible one.

Since Dougherty's book was written, there have emerged new technical studies that add Nuclear Winter to the horrendous lexicon of blast, heat, and radiation. The explosion of a small percentage of the currently available 50,000 warheads will trigger Nuclear Winter. Even if only one side initiates a substantial preemptive strike, all is over for his nation as well. Was there ever a more decisive moment for humanity to stop, look, listen, and act decisively together for survival?

THEODORE M. HESBURGH
University of Notre Dame

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Thinking About the Unthinkable in the 1980s *by Herman Kahn. New York, Simon and Schuster, 1984. 250 pp. $16.95.*

More than twenty years ago, when Herman Kahn first implored us to "think about the unthinkable," his efforts were greeted with both reverence and execration. This new book, which was completed by colleagues after Kahn's unexpected death on 7 July 1983, ensures a permanent polarization of critical reaction. In the manner of the original classic work on nuclear war, it does more than simply confront a terrible possibility: it continues the author's damaging juxtaposition of "courage" and misunderstanding.

From his earliest excursions into nuclear strategy, Herman Kahn operated from an hermetically-sealed environment, oblivious to all of the accepted canons of empirical-scientific inquiry. Substituting metaphors and scenarios for carefully constructed theories, he spawned a generation of strategic mythmakers who now stand exultantly in the ruins of thought. Buttressed by visions of "controlled" nuclear wars, these strategists echo Kahn's recommendation that "we should be concerned with making the fate of the survivors a more tolerable one" (p. 39).

Nuclear strategy is a game that sane people may play. Rejecting the informed view of the world's medical and scientific communities on the effects of a nuclear war, this book creates an anesthetized universe in which the rules of correct reasoning are replaced by conjecture and "*Gedanken* experiments" (hypothetical situations designed to encourage conceptual analyses of nuclear strategy). In one such "experiment," Kahn begins: "The Soviets destroy five capital cities in Western Europe—London, Paris, Rome, Stockholm and Bonn—just to show that they can get away with it" (p. 67).

Kahn has erected a new system of medieval scholasticism in which speculation bears no relation to probable circumstances. For example, "One could imagine," says Kahn, "a central nuclear war being fought in which cities and other heavily populated areas went largely unscathed" (p. 52). Or, also without a shred of documentation: "The nightmare of an unchecked spread of nuclear weapons is less frightening than it once was. . ." (p. 36). Curiously, a very recent U.S. Defense Guidance report asserts that thirty-one countries, many of them engaged in longstanding regional disputes, will most likely have nuclear weapons by the year 2000.

Significantly, nothing in Herman Kahn's strategic universe suggests a rational relationship between nuclear war and politics. Why, for example, should the Soviets share his infatuation with limited nuclear war? What conceivable postwar prospect can be associated with hypothesized Soviet plans for "city-trading?" Why should the Soviets be expected to disregard Karl von Clausewitz's principle that war should always be conducted with a view to political gain?

Kahn is correct in linking fear and reality, in urging us to confront the Gorgon head of nuclear war. He is incorrect, however, in examining reality within an intellectual and empirical vacuum. Why, for example, does he believe that "no freeze would be *reliably* (emphasis in original) verifiable?" (p. 26). Since the contrary position has received widespread and authoritative support, one would expect Kahn to offer some measure of documentation. Similar questions must be raised about his belief in the idea of "victory"

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in a nuclear war and his statement that "It is unacceptable, in terms of national security, to make nonuse of nuclear weapons the highest national priority . . ." (p. 31).

The strategic world of Herman Kahn continues to be a primeval world, one dominated by a vast analytic emptiness. Yet, Kahn continues to capture the imaginations of those in power. Drawing comfort from the fact that their professional strategists are "objective" enough to consider unpleasant thought, our leaders fail to recognize that such consideration has nothing to do with understanding. Although vitalized by hard data and by the most advanced computer technology, these "tough-minded" strategists offer clichés and stock phrases in place of correct inferences.

With this last book, the time has come to challenge Kahn's work on its unfounded pretensions to expertise. Despite the apparent reasonableness of its argumentation, *Thinking About the Unthinkable in the 1980s* substitutes false heroism for necessary doubt. Should it be taken seriously, the result could only be an unheroic failure.

LOUIS RENÉ BERES
Purdue University

Measuring Military Power: The Soviet Air Threat to Europe *by Joshua M. Epstein. Princeton, N.J., Princeton University Press, 1984. 288 pp. $22.50.*

Western assessments of the European military balance traditionally have accorded great significance to Soviet numerical superiority in conventional forces. In recent years this prevailing view has been challenged by a new generation of defense analysts who assert that a static comparison or "bean count" of men and machines is, by itself, a poor measure of wartime effectiveness and an inadequate basis for informed threat assessments. What is required, these analysts argue, is careful consideration of those murky, subjective factors, such as operational strategy, training, readiness, and command systems, which often prove decisive in determining the outcome of battle. Joshua Epstein's study of the Soviet air threat to Europe is a major contribution to this small but useful body of literature.

Epstein breaks new ground methodologically by demonstrating that operational factors are quantifiable and, therefore, subject to rigorous, systematic analysis. Where Soviet data are scarce, he sidesteps the problem by drawing generally reasonable inferences from information on U.S. tactical air programs. In most instances, moreover, he gives the Soviets the benefit of the doubt—assuming, for instance, a sortie rate twice as high as the U.S. Tactical Air Command goal (despite an inefficient Soviet ground support system); a target kill probability of .75; the attainment of complete surprise or an attritionless first sortie; and perfect aerial reconnaissance, damage assessment, and IFF (Identification Friend or Foe). Epstein readily acknowledges the uncertainties inherent in such numerical judgments, but maintains that he uses numbers "the Soviets are *unlikely to ex-*

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ceed" (p. 146). As a conservative planner, he defines the exercise as one that establishes "a plausible *bound* on Soviet capabilities" (p. 146).

Despite these generous assumptions regarding Soviet capabilities, Epstein's results suggest that Soviet Frontal Aviation is presently incapable of successfully executing a two-phased conventional attack on NATO's primary targets. Indeed, Epstein concludes that Frontal Aviation falls short of the capability to execute even Phase I (degrading NATO's nuclear capability), and "by a very *wide* margin" (p. 175).

This may be an accurate assessment, but the reader should take careful note that this study focuses exclusively on Soviet tactical air assets. Warsaw Pact planners, however, appear to emphasize joint operations comprising not only aviation, but also artillery and missile attacks, as well as assaults by airborne and special-purpose troops. Furthermore, when evaluating the very respectable tactical air assets of the USSR today, it is important to remember that a decade ago Frontal Aviation had virtually no deep offensive capability. Thus, the analysis of future modernization trends should be a factor in Western forecasts.

Several lesser points also deserve mention. First, although Epstein appears to construct a sensible, comprehensive target set (drawing on unclassified sources), one wonders whether initial Soviet goals would focus instead on a smaller group of priority missions. Presumably, NATO command, control and communications (C^3) could be substantially degraded by selective targeting of key radar sites and command centers. Similarly, not all of the Hawk and Nike Hercules force would need to be suppressed to establish an air defense corridor. The analysis in this section is also unnecessarily obscured by the absence of any explanation concerning Epstein's assumptions underlying the counting of Designated Ground Zeros (DGZs). These are not unimportant considerations when one reads Epstein's frank acknowledgment that "focused attacks on *critical subsets* of the Phase I target set lie well within" Frontal Aviation's capability (p. 178).

These issues aside, this study is a welcome and valuable contribution not only to the field of threat assessment, but also to the literature on the Soviet defense establishment. Epstein's chapters on Soviet maintenance procedures and air combat training reveal serious modernization problems and will be of particular interest to the nonspecialist unfamiliar with Soviet operational shortcomings.

CYNTHIA ROBERTS
Columbia University

The Brezhnev Politburo and the Decline of Détente *by Harry Gelman. Ithaca, N.Y., Cornell University Press, 1984. 268 pp. Cloth, $29.95; paper, $12.95.*

One of the more frequent criticisms of the secondary literature on Soviet international behavior is that it takes insufficient account of the causal role of domestic politics. Gelman goes considerable distance toward rectifying this shortcoming for the Brezhnev years with this closely argued and convincing account of the significance of the character-

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istics of the internal policy-making environment and of internal power struggles in explaining many of the apparent inconsistencies in Soviet foreign policy during the era of détente.

Two aspects of Gelman's analysis of this relationship stand out. The first is his argument that in conditions where those urging moderation in relations with the West were vulnerable to criticism for having abandoned the Soviet commitment to struggle against capitalism, détente in East-West relations encouraged compensatory activism in the Third World. The second is his point that Brezhnev's alliance with the military in the internal struggle favored an all-service military buildup and, to the extent that the military was particularly sanguine about Soviet engagement in Third World conflicts, a more active Soviet military policy in the Third World. In other words, Brezhnev's internal coalition building brought with it a direction in military policy which was corrosive of détente, Brezhnev's major foreign policy initiative.

While focusing on domestic sources of Soviet behavior, Gelman does not ignore systemic factors. He provides a useful discussion of the impact on the Soviet commitment to détente of the American failure to deliver anticipated economic benefits in the mid-1970s. He also emphasizes the importance of autonomously developing opportunities in the Third World and of declining American power and credibility in encouraging Soviet activism.

Nor does Gelman ignore the subjective basis or "operational code" of Soviet decision making. He stresses in particular the ideologically determined Soviet commitment to competition with the West, emphasizing that the Soviet's embrace of détente by no means constituted a Soviet abandonment of the competitive aspect of its foreign policy. This may well be true, but his treatment of the Soviet view of East-West relations has some shortcomings. First, he does not completely resolve the tension in his argument between the assertion that the Politburo shares a consensual, highly competitive posture vis-à-vis the West with his subsequent bows in the direction of intra-Politburo disagreement on foreign policy issues. His use of Soviet sources in the elaboration of this "Kremlin viewpoint" is selective.

Second, he does not defend in a terribly convincing way his argument that in the Soviet view of the world, the East-West relationship has always been and remains "zero sum" (p. 37)—the "attacking compulsion" to supplant the West consistently taking priority over collaborative aspects of relations with capitalist states (p. 155). One wonders how this view squares with his subsequent implicit admission of the possibility that had the United States lived up to its end of the deal on détente (trade and credits) this might have moderated subsequent Soviet competitive behavior in the Third World (p. 43). Moreover, his treatment of Soviet behavior in the Middle East in the early 1970s (pp. 108–9) does not adequately address evidence presented by other scholars suggesting that the Soviets were willing to bear substantial risks of jeopardizing their position in the Middle East by pressuring Egyptian President Anwar Sadat towards moderation, out of a desire to avoid derailment of détente. In this context, one might well argue that the ultimate Soviet decision to underwrite the 1973 war was a result not so much of the greater comparative strength of the attacking compulsion in the Soviet operational code as it was a result of an American incapacity or unwillingness to place similar pressure on its local client with a view

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to reducing tension in the region. Given that reference to the nongovernmental western literature on Soviet foreign policy in Gelman's work is scanty, it is not possible to tell whether he is unaware of this body of argument or whether he merely considers it unworthy of notice.

These reservations do not detract from the conclusion that Gelman's work is a highly significant attempt to outline the sources and nature of Soviet foreign policy during the Brezhnev era.

S. N. MacFarlane
University of Virginia

China's Foreign Relations in the 1980s *edited by Harry Harding. New Haven, Yale University Press, 1984. 240 pp. $18.50.*

Among the parade of books on China's foreign relations it is, contrary to normal expectations, the collective volumes which seem to stand out, and this one is among the best. Instead of the unevenness and the tendency to fly off in all directions that is common with symposiums, the six authors, mobilized by the China Council of the Asia Society for this study, have achieved an uncommon degree of coherence. There are, of course, differences in style and even in judgments, which only add spice to the reading. The integration of the volume no doubt benefited greatly from the authors' being able to test their views in a series of international conferences that took them around the globe, including a stop in Peking.

The real secret of the intellectual coherence of the book is, I believe, the authors' shared assumption that it is in the nature of the Chinese system that profound tensions and outright contradictions are constantly contending in shaping China's foreign relations, and consequently stability is always problematical. In contrast, and quite understandably, volumes by single authors, even when acknowledging internal strains, usually end up trying to identify a single key to China's international behavior. These six authors, on the other hand, steadfastly resist the temptation of pretending to have a clear crystal ball and instead advance the somewhat disturbing view that China is still capable of producing the unexpected.

In setting the historical stage, Michael H. Hunt skillfully incorporates the findings of sophisticated and esoteric recent Sinological research into a remarkably lucid review of the tremendous pushes and pulls between the contending forces of populism and cosmopolitanism, and of dependency and autonomy. He also stresses the historic tension between those Chinese who see the country's principal threat in terms of its land frontiers—people who now fear most the USSR—and those who worry about maritime defenses—who today fear Western cultural "corruptions." He raises in the end, but does not answer, the question of whether the Chinese, in finally overcoming the memories of a "century of humiliations," will revive the "appeal of the imperial past." Throughout his

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analysis Hunt stresses China's multiple traditions, including a fascination with Machiavellian strategems that he traces back to the stories of the Warring States period.

Kenneth Lieberthal picks up the same theme of contending perspectives in his examination of the interactions between domestic politics and foreign policy. Hunt's populists become Lieberthal's "nativists," who are arrayed against the cosmopolitans whom he divides between "eclectic modernizers" and "all-around modernizers" (pp. 44–45). Because of the unabating conflicts among these elements in the Chinese elite, Lieberthal is not overly confident about the durability of Deng Xiaoping's reforms. Bruce Reynolds, writing about China's place in the international economy, claims to be a bit more optimistic. Yet, in his careful analysis of Chinese foreign trade and of Peking's policies on importing technology and capital, Reynolds demonstrates quantitatively that China's inclinations for "self-reliance" are still powerful and that for all of the "opening" that has taken place the door is awfully small, given the tremendous tasks that lie ahead if China is to modernize. In short, policy reforms are impressive when compared with Mao's era, but they seem less so when the focus is on what needs doing.

The uncertainty about China's potential international role increases when attention turns to geopolitical and security questions. Writing about China's place in Asia, Steven I. Levine notes that, "To a significant degree, China has been a regional power without a regional policy" (p. 107). Following him, Jonathan D. Pollack, in looking at China's role in the global strategic balance, points out that China has not as yet found a strategic posture appropriate to its anomalous situation of being too poor to be a world power but too large to be ignored in world politics.

In a masterful concluding chapter, Harry Harding clarifies some of the contradictions by placing China's foreign policies in periods according to which elements of the elite were in ascendency at different times. The result accentuates the instability and the extremes of China's policies. He, however, follows up with an analysis of the continuities and changes which brings him to the conclusion that China's options have narrowed, and, therefore, radicalism is less likely. But there are enough unresolved issues to make the future unpredictable, especially since China's international role remains ambiguous. Peking has not been able to define convincingly its aspirations, while those who must deal with China see her as either threateningly large, or as a potential ally. According to Harding, a widely shared image among the Japanese is of "a China in collapse," while Indians and Southeast Asians see a "dragon rampant." Finally, "In the United States, there is the expectation—perhaps now only a hope—that the historical relationship between the American and Chinese peoples can finally be translated into a close economic partnership and an intimate alignment against the Soviet Union. In the Soviet Union, strategists dream similar dreams, but with the roles reversed" (p. 222).

What is possibly most remarkable about this book is that none of the authors seems to have policy axes to grind, and all strive to be as objective and realistic as possible, but the end result is some profoundly wise advice on policy toward China. In the Foreword written by Robert B. Oxnam, president of the Asia Society, and Harry Harding Americans are told that intimate relations with China are not in the cards, but that good working relationships should be possible. What the six authors have demonstrated is that

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China, especially in her foreign relations, is much too complex to be encapsulated in any simple policy formula and that our expectations should be open-minded and always prepared for the unexpected from a country so complex. For enthusiasts of warmer Sino-American relations this book should give pause for thought, for these scholars have charted a surer road to a lasting relationship than can be found in simplistic effusions of friendship.

LUCIAN W. PYE
Massachusetts Institute of Technology

Making Campaigns Count: Leadership and Coalition-Building in 1980 *by Darrell M. West. Westport, Conn., Greenwood Press, 1984. 198 pp., $29.95.*

During the recent presidential campaign, a weary reporter slumped down in an airline seat and said, "Wake me if anyone commits news." For similar reasons, dozing academics should be alerted. Darrell West has committed political science.

The central data in this unusually fruitful study come from interviews with ninety members from ten different campaign staffs. West's appendix describing his interview methods is one of the most important parts of the book. As he correctly points out, "field research is a skill that requires extensive preparation. Rather than being the antithesis of methodology, careful research design is as much a part of methodology as statistical analysis" (p. 174). His advice on these matters is full of good sense and suggests why he was so successful in obtaining good interviews.

West shows how constrained presidential candidates are in coalition building. They are not free-floating vote maximizers adopting any strategy that will win support. For better (Ronald Reagan) or worse (John Connally or Edward M. Kennedy), candidates' options are limited by the strategies they have employed in the past. Candidates are constrained by their own party's traditional coalitions. And candidates are often quite interested in particular issues. John Anderson's position on abortion, Robert Dole's interest in the handicapped, Jerry Brown's concern with nuclear energy, and Reagan's and Kennedy's longstanding identifications with particular ideologies affected their coalitions.

Still, coalitions can change. West points out several candidates who tried to build novel coalitions. Connally experimented with an "attitudinal" constituency. Dole sought support from handicapped persons, veterans, and the elderly. Reagan emphasized demographic and issue constituencies traditionally associated with the Democrats. Jimmy Carter tried to move the Democratic party in a moderate direction. In contrast with these innovators, George Bush and Howard Baker both worked within traditional Republican coalitions.

West used other data to extend and illustrate his analysis. He analyzed travel itineraries to determine how much attention was being devoted to particular constituencies. Not surprisingly, the priority audiences for Reagan and Bush during the fall were general audiences, Republicans, and business groups, while Carter and Walter Mondale worked

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general audiences, Democrats, businesses, students, and unions. But coalitional innovators (Reagan and Anderson) also emphasized Catholics, ethnic voters, union members, Jews, and minorities whom they were trying to attract.

A content analysis of speeches found a general pattern to the rhetoric with some interesting variations. For example, Anderson, Kennedy, Baker, and Bush devoted the most time during the nomination contest to specific policy discussion, while Reagan, Connally, and Kennedy emphasized general appeals. West also pointed to specific content related to particular campaign needs, such as Kennedy's Georgetown speech that placed him clearly to the left of Carter.

West also analyzed audience reactions—applause, cheers, boos, and laughter—to 178 of these campaign speeches he taped while following candidates around the country. Matching audience reaction to speech content, he found that audiences responded more enthusiastically to nonpolicy statements. West suggests that candidates' attentiveness to such reactions from personal constituencies may teach them the "wrong" lessons.

In his concluding chapter, Darrell West argues that campaigns are important precursors for the administrations to come. Candidates have developed ties to their core constituencies over long periods of time. Coalitions, such as Reagan's built around conservatives and disenchanted Democrats, are important elements in the candidates' thinking. And the candidates' rhetoric and the audiences they seek provide vital clues about their intentions. West is not the first to make these arguments, but his thorough research and skill in data analysis give his statements unusual force. This is an impressive piece of work.

JOHN H. KESSEL
Ohio State University

The Leadership Question: The Presidency and the American System *by Bert A. Rockman. New York, Praeger, 1984. 253 pp. Cloth, $29.95; paper, $14.95.*

Bert Rockman has written a provocative study of the problems of leadership in American government. Focusing on the expectations and performance of the presidency within a highly pluralistic system, Rockman discusses *the* critical dilemma for any president: how to provide strong and responsive leadership at the same time.

He finds no easy answers but raises a host of interesting questions: "What are the impediments to, and opportunities for, direction? More specifically, (1) to what extent can direction be had? (2) to what extent can it be sustained? (3) what is its magnitude and depth? and (4) how—through what mix of skills, institutional characteristics, and cultural predispositions—is direction arrived at?" (p. 221).

In examining these questions Rockman presents his reader with a general leadership model. The presidency is positioned at the center of this model. Its capacity to lead is affected by a multitude of environmental, institutional, and personal forces. The model is recursive. The presidency influences the very forces that constrain and propel its leadership.

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The organization of the book moves from the general to the specific. It begins with an examination of the components of leadership including the initiation of change and sources of power. Next it turns to the president operating within the contemporary polity. Rockman explores the major impediments to the achievement of presidential policy goals: the proliferation of interests and organizations and the need to be responsive to them; the belief in private initiative and the suspicion of distant, concentrated governmental authority; the persistence of weak national parties and an increasingly investigative media. These impediments produce an environment hostile to the exercise of presidential power. They explain why White House leadership is apt to be sporadic. From a longer term perspective, however, Rockman describes an ebb and flow conditioned by personal and institutional relationships, political climate, policy needs, and public moods.

This is not to say that external forces alone dictate presidential success. Presidents have resources of their own. Rockman assesses political instincts, work styles, communicative skills, intellectual judgments, and ideological perspectives but concludes that the influence of these factors, though commonly asserted, is difficult to demonstrate (p. 214).

The importance of Rockman's effort lies in his careful, systematic mapping of the president's dilemma within the framework of a broad analytic model. While he presents no tests of propositions, he provides a wealth of propositions to test. Much of the discussion is very sophisticated and extremely provocative. The chapters on cycles and "persona" were particularly well done.

The Leadership Question should be required reading for every serious student of American government. It is a wise book that makes an important contribution to the study of presidential leadership.

STEPHEN J. WAYNE
George Washington University

Money and Politics in the United States: Financing Elections in the 1980s *edited by Michael J. Malbin. Chatham, N.J., Chatham House, 1984. 324 pp. $12.95.*

Michael J. Malbin has both edited and contributed to a valuable book that tries to look behind the usual overgeneralizations about money and politics. It is a book that should be read by students of politics but probably won't be, because books about money in politics have traditionally portrayed their data in a boring, laundry list fashion. While *Money and Politics in the United States* certainly offers sufficient quantitative data about the giving and receiving of political money, it is, nevertheless, one of the few books on this subject that seeks to focus on ideas and implications of data rather than reeling off a plethora of statistics produced by recent disclosure laws.

There is no single stated theme that runs through all the articles, but there are common perspectives that are reflected in most, if not all, of them. First is the repeated challenge

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to a conventional wisdom that sees a clear and unambiguous result from the documented increases in election expenditures, particularly those of political action committees (PACs). The relationship of money to ultimate political result is, they stress, complex and not unidimensional. The second joint perspective is one that perceives an adaptive dynamic between political money and politicians themselves, one that often produces unanticipated results. The inventiveness of political activists to adapt and to reorganize themselves accordingly to any new reforms is exceptional. As Malbin himself notes, there has always been a lot of political money in American politics, and if PACs were to be outlawed tomorrow, the liklihood is that huge amounts of political money would still find new and different ways to get into the system.

The articles individually are of generally high caliber and strive to find theoretical foundations for further research. Herbert E. Alexander makes financial sense out of the 1980 presidential campaign and concludes that reform should move in the direction of financial floors without ceilings, "a system that would provide candidates with partial public funding but no expenditure limits" (p. 35). He also wants to repeal all limits on contributions by individuals and committees to the parties themselves so as to dilute the power of PACs. Gary C. Jacobson deals with congressional elections and money in 1980 and 1982 and finds that money continues to be of relatively greater value to challengers than to incumbents, and, among other things, that while the Democratic party has been declining organizationally, the Republican party's ability to raise money and use it wisely has produced an important organizational asymmetry within the party system. Few Republicans are heard in the weeping over party organizational decline.

David Adamany provides a detailed and complex assessment of the individual political parties and their relationship to both reform laws and PAC growth, and then Theodore J. Eismeier and Philip H. Pollock III analyze PAC organization and strategy, identifying new trends that might favor challenges in the future. Margaret Ann Latus concentrates her focus on ideological PACs and finds their activities—from framing issues, recruiting and training candidates, to financing elections—most closely resemble those of the political party, though she remains unsure of what their ultimate effect on democratic processes may be.

In the other articles Ruth S. Jones assesses the trends in financing elections in a wide variety of state campaigns, Richard Smolka gives a good overview of the role of the courts in modifying campaign finance laws, and Michael J. Malbin provides an interesting concluding article reviewing past efforts of reform and their unintended consequences and then specifies what the issues and complexities are that underlie future efforts to control PAC influence.

The book as a whole is a solid addition to the literature and would be very useful in courses on political parties and interest groups. Many of the articles have the added benefit of destroying some of the simple myths about campaign finance without establishing new ones in their place. It is a careful and well integrated book that should be both bought and read.

RICHARD L. RUBIN
Swarthmore College

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Strong Democracy: Participatory Politics for a New Age *by Benjamin Barber. Berkeley, University of California Press, 1984. 320 pp. $16.95.*

For centuries, persons of wealth have feared an "excess of democracy." In this book Benjamin Barber sees the problem as an excess of what he calls "thin democracy," the system that uses public affairs for private advantage and is more concerned with individual liberty than social justice. In place of "thin democracy" Barber proposes "strong democracy" which he defines as: "politics in the participatory mode where conflict is resolved in the absence of an independent ground through a participatory process of ongoing, proximate self-legislation and the creation of a political community capable of transforming dependent, private individuals into free citizens and partial and private interests into public goods." Activity, commitment, obligation and service are strong democracy's hallmarks. Strong democracy rejects the "myth" that an "abstract" community exists prior to individuals, thus it is hostile to "that reductive historical sociology that makes an individual's class or race or social movement the sole determinant of his actions." (What sociology does that?)

Much of the book is devoted to a critique of liberal and conservative democratic perspectives, with each shown to be seriously deficient. The bold new theory of strong democracy (saved from any detailed criticism by the author himself) sweeps away the old problems with sentences like: ". . . all the rhetoric about freedom, rights, markets, individuals, and equality—as well as the counterrhetoric about class, exploitation, surplus value, labor power, and economic parasites—is an archaic jargon employed in desperate invocation of a reality long since vanished." We are informed that while liberal democrats ask "What will we choose?" strong democrats ask "How do we will?" and "I will a world in which such and such is possible." Strong democracy is strong indeed; and compared to all other forms of rule, it sounds quite superb. But what does it have to do with the realities of history and economic power? If I read Barber correctly, not much: "[S]trong democratic politics neither requires nor corresponds specifically with particular economic systems." Strong democracy rejects economic determinism (which Barber mistakenly equates with Marxism) and it sees that democracy is not offended by "capitalist institutions or even capitalist values" but by "capitalist logic and epistomology." In any case, Barber notes, "neither capitalism nor socialism has much to do with the economic realities of the modern world."

The motor force for strong democracy is participation; people will readily discover the satisfactions of participation: "The taste for participation is whetted by participation: democracy breeds democracy." Having ruled out economic systems and the struggles in our history between democratic forces and elites over such things as the franchise, free speech, and substantive economic gains, Barber falls back on participation as an end in itself. He seems unaware of the link between class struggle and the development of procedural and substantive democracy. Barber's approach is ahistorical.

The book concludes with some good suggestions for increasing citizen input and an interesting treatment of neighborhood forms of participatory governance. However, Barber ought to examine the actual realities, not the idealized hope, of neighborhood governments: most of them are not governments at all; they exercise no real control over

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affairs, have little popular power, and are no match for the mayor and his big realty and corporate cronies. Often the neighborhood councils themselves are dominated by the more affluent persons who have time for such things. Too much of "local participatory democratic governance" and "backyard" and "grassroots" democracy ends up being an unfortunate marriage between small government and Big Business. Barber has offered us a lively and imaginative game plan, but, in fact, there is no quick endrun around the realities of class power and the problem of democracy.

MICHAEL PARENTI
Washington, D.C.

When Government Speaks: Politics, Law, and Government Expression in America *by Mark G. Yudof. Berkeley, University of California Press, 1983. 323 pp. $28.50.*

Most writing about freedom of expression has neglected the government's growing role as speaker, source, and keeper of public forums. As a result, our courts and legislatures have failed to restrain executive manipulations of the political process through the unfair and deceptive use of modern communications.

Mark Yudof, a professor at the University of Texas Law School, believes that this unhappy situation is due, in part, to an unnecessary narrowness in First Amendment theory. That theory, he argues, has been limited by the very concepts that have made it strong: individual rights, limited government, and the "marketplace of ideas." These ideas, while useful in the war against censorship and repression, convey the unfortunate impressions that the First Amendment is the only safeguard of free expression and that it only protects private expression from official curbs. Moreover, these concepts imply that freedom of expression is a mere antimajoritarian right in a political order that is divided between the rulers and the ruled. Yudof rejects that characterization and argues instead for what Bruce Ackerman has called the "diologic state."

Like Alexander Meiklejohn, Thomas Emerson, Charles Black, and Laurence Tribe, Yudof thinks about liberty in structural terms. He believes that instead of focusing narrowly on the text of the First Amendment (or on cases involving curbs on individual expression), we should think more broadly about the role of freedom of expression in the constitutional system that both allocates and limits the authority of government officials. In other words, we should read the First Amendment in the context of what our political enterprise is all about.

One of the primary objectives of this enterprise, structuralists have argued, is the Lockean notion of government with the consent of the governed. Yudof extends their analysis by asking how consent of the governed (and genuine representation) can be preserved when executive officials are able to create the illusion of popular or legislative consent by the manipulation of information, ideas, and symbols. If the consent on which

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public officials purport to act is fraudulently obtained (or fraudulently declared), the legitimacy of their actions and of government itself is seriously undermined. Accordingly, Yudof proposes a theory of how government should behave as a participant in the political debate.

In essence, Yudof's ideal government is not unlike the professor who abjures lecturing (an authoritarian practice) and debates with the students in a manner that both arms them to disagree and treats them with the respect due to equal, autonomous, rational persons. Indeed, respect for the intelligence and judgment of citizens, whether they deserve it or not, is the principle that unifies the author's many proposals for reform. Yudof's ideal government would not pretend to be impartial or view all ideas as if they are of equal value; it would plunge into the political process with as much vigor as anyone else. However, because it is also a keeper of that process, it would not be allowed to exploit its power by manipulating the information needed to maintain an intelligent debate or by unfairly turning up the volume on behalf of particular schools of thought. That is what official respect for the citizenry requires.

One of Yudof's strongest chapters argues against the indoctrination model of public education, both to expand the academic freedom of secondary school teachers and to promote the autonomous, self-controlled citizenry on which his theory of democracy depends. He believes that government financing of political campaigns unfairly skews the outcome of policy debates and that the seemingly selfish language of press rights should be replaced by a more architectural language that resolves disputes over freedom of information by articulating the function of free and informed debate in a democratic society.

When Government Speaks is a sophisticated, subtle, and practical contribution to the literature of free expression. It deserves a wide readership.

CHRISTOPHER H. PYLE
Mount Holyoke College

Beyond the Safety Net: Reviving the Promise of Opportunity in America *by Sar A. Levitan and Clifford M. Johnson. Cambridge, Mass., Ballinger Publishing Co., 1984. 187 pp. $16.95.*

Sar Levitan and Clifford Johnson have written a rousing defense of the liberal social agenda as it has evolved in the United States over the past fifty years. Their premise is that the free market outcomes so beloved by conservatives do not provide for either basic subsistence needs or insure equality of opportunity and that, by and large, the modern welfare system is an appropriate and effective response. They are deeply distressed by the retrenchment effected by the Reagan administration and almost as distressed by the failure of Democrats—especially the so-called neoliberals—to come to the defense of the welfare state. They believe that the citizenry is still supportive of most of the liberal agenda—that the problem is more one of leadership than of changing public opinion.

According to various conservative thinkers—whose ideas are cited or quoted

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throughout the book—the poor are responsible for their own poverty, and welfare is counterproductive since it encourages family breakup, stifles economic growth, and discourages private philanthropy and local initiative. A more fundamental indictment stems from the conservative belief that free markets are the prerequisite to political freedom, that capitalism and democracy are indeed inseparable, and that attempts to insure equality of opportunity have become, in practice, a dangerous commitment to achieving equality of results.

In the case of each of these charges, the authors characterize the conservative view and then present the liberal rebuttal. Their rebuttal is based on a mixture of argument and evidence that may not convince a doubting liberal much less a Reagan sympathizer, but it will supply useful ammunition to those sympathetic with the book's initial premise.

The debunking of conservative ideology in the first few chapters of the book is followed by a chapter on "Programs that Make a Difference," a very readable and informative cataloguing of all the important federal social welfare programs introduced during the last fifty years: nutritional assistance, health care, compensatory education, subsidized employment and training, higher education assistance, equal opportunity, and insurance against loss of income due to joblessness, disability, or old age. The assessment of these programs is a sympathetic one. Indeed the authors conclude that overall they "have achieved striking gains" (p. 112).

The authors do not rest with an assessment of past programs. In the last chapter they put forward their own agenda for the future, an agenda that is predictably liberal and contains little that is new. However, two useful themes are stressed. One is the need for multiple and flexible approaches to deal with the varying needs of the disadvantaged. The other is the need to provide skills and employment opportunities rather than just income maintenance to those able to work.

Overall, the book is a fine primer on the current debate about the appropriate role of government in redressing inequities and providing some measure of economic security. While it is neither a scholarly treatise nor a dispassionate assessment, its prose is always readable, the arguments are lucidly presented, and the authors have a clear sense of the major issues in the policy debate.

ISABEL V. SAWHILL
The Urban Institute

Making an Issue of Child Abuse: Political Agenda Setting for Social Problems

by Barbara J. Nelson. Chicago, University of Chicago Press, 1984. 169 pp. $17.50.

That common decency demands a somber expression at the subject of child abuse need not preclude appreciation of its ironies as a political phenomenon. Originally adopted as a "valence" issue—one without adversarial content, and offering a posture of no-cost rectitude—child abuse has escalated into a runaway problem, one increasingly costly and,

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with broadening definition, increasingly controversial. Barbara Nelson's incisive book provides a sane, refreshingly pragmatic roadmap, showing how we reached the current state of utter chaos.

With every media initiative, child abuse reporting skyrockets, flooding the system. Following the 1984 ABC-TV movie, "Something About Amelia," reporting of sexual abuse rose as much as 900 percent around the country. In New Jersey in 1984, reporting jumped from 20,000 to 45,000, placing the system under siege. The extraordinary case overload in New York has resulted in a scandal over system nonresponse.

How and why was child abuse adopted as a governmental issue? And why was it then seen as a "medical" problem? Unquestionably, what we now label child "abuse" has historically been perceived as tolerable behavior, given the patriarchal structure of the family. In fact beating (battering) was stamped with a heavenly mandate: orthodox religious belief held there to be an overriding, divinely dictated urgency to bend a child to obedience at any cost.

The decision to define recently normative behaviors as medically deviant is a curious one. Nelson writes, "The political advantages of the construction of social problems as medical deviance are easy to see. Medicine views illness . . . as consonant with the American individualistic approach to solving problems. By defining problems in terms of medical deviance, the status quo is maintained, at least in the short run" (p. 18).

Both the "helping" language of the issue and its emotional content can engender a muzziness of political thought. The willingness to empower coercive state interventions, which are essentially unchecked, in the name of help and cure is widely perceived as liberal. Yet statutes in many states include the mandate to intervene in "emotional neglect," "moral neglect," and religious neglect. Additionally, the system, offspring of the 1800s movement to rescue children from the moral disease of poverty, spotlights the disadvantaged.

Nelson's book has three aims. First, to recount the issue's history. Second, to examine, through this issue, the path of political agenda-setting. Third, to discuss what she calls "the public use of private deviance": the use of the concept of medical "deviance" to turn attention away from the "social-structural and social-psychological underpinnings of abuse and neglect" (p. 3). The latter helps explain why, with all the artillery we appear to be aiming at child abuse, its incidence shows no signs of diminishing.

Nelson offers a truly illuminating insight into the correlation between the media and public policy on this issue. Most importantly, she ties the media's ongoing play of child abuse to its growing dependence on professional studies and journals for "soft" news. Indeed, it's hard to see how the Style page of the *New York Times*, or the *Times'* Science News section could function without these resources. Discourse, however, does not denote change.

Citing Anthony Downs, author of "Up and Down with Ecology—'The Issue Attention Cycle' " *Public Interest* (Summer 1972), Nelson writes: "With deadly accuracy Downs notes that Americans have a touching blend of horrified concern and wide-eyed, cotton-candy confidence which leads them to assert 'that every problem can be solved . . . *without any fundamental reordering of society itself*' " (p. 53). Perhaps what the child abuse issue teaches is that we do not require that every problem be *solved*. Rather, we

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are content that every problem can be *addressed* without any fundamental reordering of society itself. *Making an Issue of Child Abuse* brings clarity to an issue where too often cant would be king.

LOUISE ARMSTRONG
Westport, Connecticut

Secrets of the Tax Revolt *by James Ring Adams. New York, Harcourt Brace Jovanovich, 1984. 402 pp. $16.95.*

This is a book about the merits of supply side tax policy: a decrease in taxes will produce an increase in economic growth. Adams finds support for this view in the writings of John Locke, Montesquieu, David Hume, Adam Smith, and in the histories of Massachusetts, New York, New Hampshire, Ohio, Texas, California and Louisiana. He also cites Arthur B. Laffer David Ranson, Paul Craig Robert, and Jude Wanniski. Their names appear on the dust jacket in praise of the book.

This reviewer claims to approach supply side tax policy without strong convictions. If this book were my sole contact with the subject, however, I would be inclined to accept the view that Laffer et al. are selling a simple fix that sounds good only on the surface. Adams's book is thick, and includes some interesting material, but it is not well crafted. In some respects, it is a caricature of systematic analysis.

Adams reasons by assertion and example. While there are forty-five pages of endnotes, important points lie without documentation. There is nothing cited for the claim, for example, that Texans show "remarkable unanimity" in attributing their state's success to low taxes (p. 236). Other citations are off the mark. A note that follows the assertion that "taxes were killing the state [New York]" refers to a study that dealt with another issue (p. 119). The author's use of statistics is often naive. He expresses wonder that states with scores already low or high do not show high rates of further decrease or increase (pp. 116, 182). He asserts supply side conclusions about the causes of economic growth or decline on the basis of simple charts (typically plotting state incomes against tax levels) where the motive forces are just as likely to have been national or regional trends not connected with a state's taxes.

Adams attributes tax cuts to supply side theory retrospectively, when the motives may have been simple opposition to taxation or to government (p. 193). The voters' wisdom is cited in behalf of tax reductions. Counter-examples of voters' opposition to tax reduction are explained away via the efforts of politicians to dupe the voters (p. 265). The chapters on New York do not clearly detail a modern tax revolt and leave a reader wondering about their contribution to the book. Among the small points that raise further doubts about the author's judgment is his identification of the Boston *Herald American* as part of an "intellectual center" (p. 317).

It is possible to accept the author's basic demonstration that opposition to taxation has

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cropped up at various points of time and place. That may be a universal truism, apparent also in places with substantial socialist traditions like Sweden and Israel. It is more difficult to accept his claims to have uncovered a number of secrets that justify contemporary notions of the supply side. The final chapter lays out a number of economic, theoretical, and historical secrets that justify contemporary notions of the supply side. The secrets are neither well defined, nor clearly linked to the analyses that have preceded them.

IRA SHARKANSKY
Hebrew University of Jerasalem

Clients and Lawyers: Securing The Rights of Disabled Persons *by Susan M. Olson. Westport, Conn., Greenwood Press, 1984. 236 pp. $29.95.*

This book tells of the interaction of litigation with other strategies for change in the last decade's struggle for public transportation for the handicapped. Susan Olson's central thesis is that the transit-access cases demonstrate a new model of public interest litigation, which is decentralized, client-controlled, and remedy-oriented (Chapter Five). This constrasts with the classic model exemplified by the NAACP Legal Defense Fund's sustained, highly centralized, and lawyer-controlled litigation campaign to secure the constitutional right to school integration, the apex of which was *Brown v. Board of Education* (Chapter One). Transit access plaintiffs, both individuals and groups, used litigation to obtain actual transportation under existing statutory and regulatory mandates, rather than a judicial statement of an agency's obligation to provide such transportation, possibly with "all deliberate speed."

As a lawyer, I found illuminating both the discussion of the contrasts between rights-oriented and remedy-oriented litigation, and the description of the interaction of either with other forms of organizing. The author's discussion of how different approaches and combinations thereof, produced varying results in the different transit-access cases, is also thought-provoking (Chapter Two). For example, a lawyer's assumption might be that a court order would be more effective than a settlement, but the author points out that defendants tended to be more committed to carrying out a remedy arrived at through settlement negotiations (p. 172). Finally, the book's focus (Chapters Two and Seven) on client or lawyer control in litigation decisions is also presented in a descriptive fashion, rather than from either a clients' rights or a professional ethics perspective.

Most provocative about *Clients and Lawyers* is Susan Olson's concluding discussion of client control as a critical factor if the social change goal—explicit or implicit—is not only the right or remedy itself, but also increased personal and political power for the plaintiffs. Most fully explicated in the final chapter, she points out that for those groups whose personal and public identities are organized around a stigma (p. 191), such increased power, actual and perceived, is a critical goal. Included among those groups, discrimination against whom is currently manifested by paternalism rather than overt oppression, are minorities, homosexuals, the elderly, and women. Susan Olson particularly elaborates

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the analogy of the disabled to women and recommends adoption of many of the same strategies (pp. 192–200).

It seems to me, however, that the litigation mode used in the transit access cases—client-controlled, decentralized, and remedy-oriented—may be particularly appropriate because of the way the processes used and the goals sought interconnect on the political and the personal level for the handicapped. Even our language demonstrates that interconnection. The handicapped rights movement, at least as demonstrated by the transit-access cases, is about exactly that: *movement.* Litigation is a vehicle for obtaining vehicles. Access to the courts, to control over lawyers, and to political and personal power are both a cause and an effect of access to public transit. It does not seem coincidental that this particular variety of litigation for political and personal power has come from those whose mobility is often impaired on the most basic, biological level. It may well be that other groups who are objects of discrimination will find the most success in different approaches—not necessarily exclusive of either rights-oriented or remedy-oriented litigation—which spontaneously use for energy that point where personal and group deprivation interact with political means. Susan Olson's excellent study of the transit-access cases provides an analogy and an inspiration for other antidiscrimination movements.

JULIA C. SPRING
Columbia University

Italian-Americans: Into the Twilight of Ethnicity *by Richard D. Alba. Englewood Cliffs, N.J., Prentice-Hall, 1985. 182 pp. $15.95.*

Richard Alba has written two books in one and has managed to do credit to both. One book responds to the challenge of the Prentice-Hall Ethnic Groups in American Life Series, of which it is a part, by providing a clear, sympathetic, but not sentimental description of Italian-American experience from the roots in Italy to settlement in the United States, describing the cultural patterns which crossed the ocean with the émigrés and the vicissitudes as well as the progress of the integration of the immigrants and their culture into American society.

These views from the past are up-dated in a comprehensive and well-documented demography of what Alba believes to be the present status of Italian-Americans as a group in terms of assimilation and social mobility. He sees Italian-Americans as having started out with the legacy of inferior educational and occupational position in American society. The first and second generations, as a result of better education and intermarriage, have achieved or are closing-in on equity. Italian-Americans have, says Alba, "risen from ragpickers and ditchdiggers to virtual parity within three generations" (p. 130). While this conclusion may be debatable, the data he supplies in this well-researched chapter are illuminating and of significance in assessing the current status of Italian-Americans in society.

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The second "book" is contained in the opening and closing chapters of the volume, and here Alba steps outside the Italian-American experience to review theoretical perspectives on ethnicity. He seeks a comprehensive definition of this troublesome and imprecise concept and speculates on the current health and prognosis of the resurgence of ethnicity which focuses on the boundary-setting, "consciousness of kind" sense of common descent among the members of the group. He proposes a shared sense of identity or self-definition as the "*sine qua non* of its existence." In the final chapter, after reviewing the evidence of the assimilatory experience of Italian-Americans, he returns again to an analysis of white ethnicity in American life. He sees and foresees the movement of ethnicity from an important fact of life to ethnicity as a facet of one's life style, losing its communal and compelling force to become a private and voluntary aspect of identity.

Not surprisingly, there are some significant gaps in this otherwise excellent book. Given its mission of describing and analyzing the Italian-Americans, the ambitious attempt to generalize to a predictive account of the future of ethnicity in America inevitably raises more questions than can be or are answered. The distinction between group identity and individual identity, for example, which is seldom considered in ethnic research, is suggested but never really analyzed or even introduced as an issue. Still, the scholarship and readability of this book make it stand out among others of its kind and it is a contribution to both public understanding and intellectual inquiry.

FRANCIS A. J. IANNI
Teachers College, Columbia University

Privacy: Studies in Social and Cultural History *by Barrington Moore, Jr. New York, E. M. Sharpe, 1984. 328 pp. $12.95.*

The author characterizes his book as a set of exploratory studies about the nature and meaning of private concerns in several societies. The first chapter deals with evidence from a variety of ethnographic studies. Other chapters are devoted to classical Athens, the world of the Old Testament, and ancient China. Moore states that he conceived his book as "an exercise in deprovincialization, an effort to find out if other peoples think and feel at all the same way about privacy as we do" (p. 267). This is an interesting project, yet I feel that Moore has been largely unsuccessful in carrying it out.

One of the difficulties one has with the book stems from a confusing use of the notion of privacy. At times Moore talks about such matters as the shielding from observation of such activities as urination, defecation, or copulation; at other times, however, he deals with the rights of private persons against holders of political authority. He fails to convince the reader that privacy in the first sense has much in common with privacy in the second. Moore asserts that political democracy provides the most favorable conditions for the development of private rights against the holders of state authority, but toilet training or sexual behavior seem hardly linked to political relationships.

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While Moore provides a good deal of interesting data, it is often difficult to follow him because his exposition suffers from an almost willed disorderliness of method. He flits from one subject to another by way of free association. Matters dealt with in one chapter are not touched upon in another so that comparisons are made difficult. We learn, for example, of the separation of the private sphere from the public in fourth-century Athens, but no effect is made to follow this theme in the chapter on China. It largely deals instead with the mutual obligations of ruler and ruled. Moreover, while the Athenian chapter is based on a variety of sources, the Chinese chapter is limited to a consideration of some of the leading classical philosophers rather than dealing with actual social practices.

In several of his previous books Moore has been preoccupied with societal mechanisms that can serve to preserve the individual against arbitrary demands of the state and the political authorities. He attempted to lay bare the social bases of obedience and revolt. These concerns are also salient in this book. But while earlier works were outstanding examples of a methodical and analytical approach, the present volume lacks intellectual discipline. Facile statements, alas, often replace convincing presentation of evidence. When Moore asserts, for example, that "the main concern of rulers has been to settle disputes," (p. 41) one thinks of Hitler or Stalin, or, for that matter, of the rulers of, inter alia, the eastern or the western Roman Empire.

Although this book does not measure up to Moore's previous work, it is still worth consulting if only for the many nuggets of insight that are strewn throughout its pages.

LEWIS A. COSER
State University of New York at Stony Brook

Media Politics: The News Strategies of Presidential Campaigns *by F. Christopher Arterton. Lexington, Mass., Lexington Books, 1984. 220 pp. $27.00.*

This book represents an interesting structure for analyzing and interpreting the interactions between presidential campaigns and the reporters who cover them. It emphasizes the significance of journalism for candidates' success by stressing the degree to which their campaigns are organized to obtain the best possible coverage. It is a book about political elites without any direct concern about how their behavior and products affect citizens' information levels and attitudes during the campaign or their eventual vote.

Media Politics is an extension of the author's earlier work as part of a team studying the 1976 presidential campaign, incorporating the 1980 primaries and caucuses as well as the general election campaign. As such it illustrates the difficulties of developing generalizable models of behavior from studying the presidential case over a limited number of elections with a changing cast of characters.

The work is highly and accurately descriptive of the workways of the press and the self-serving behavior of candidates who seek to obtain favorable coverage in order to advance their political ambitions. It provides a useful and readable introduction to mass media and presidential politics. It describes the main avenues of interaction between candidates

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and reporters, highlighting the goals of each in establishing a working relationship with the other side.

The best parts of the book deal with the presidential selection process in the primaries and caucuses—the basic qualities of reporting, the importance of perceptions, and the dynamic nature of the prenomination phase. The importance of establishing and maintaining momentum is covered in depth, as well as the importance of credibility in campaign press relations. Arterton develops a useful classification of three conceptually different types of horse race reporting—scenarios (alternative strategies and outcomes), standards (mileposts which candidates must pass), and benchmarks (measures of relative candidate standing through the course of the campaign). Most importantly, he illuminates the reciprocal and symbiotic nature of the relationship between presidential candidates and the reporters who cover them.

Media Politics is not organized in a fashion which results in clearly stated propositions about the nature of the relationship between these adversaries or the conditions under which one side or the other is likely to prevail. In particular, it does not suggest how to identify *a priori* the winning strategies of successful candidates in the primaries—those which will lead to more and better coverage and eventually to front-runner status.

The distinction between prenomination strategies and the "orchestration" (p. 194) of general election coverage is not sharply drawn because of concentration on the prenomination campaign. The discussion of debates as "pseudo-primaries" (p. 169) is an interesting one with regard to horse race journalism, but what more general explanation could be extrapolated for the favorable coverage which Ronald Reagan received in 1984? Was it superior staffing, more skill and experience in controlling the flow of information, or some other manifestation of incumbency?

MICHAEL W. TRAUGOTT
University of Michigan

Environmental Policy in the 1980s: Reagan's New Agenda *edited by Norman J. Vig and Michael E. Kraft. Washington, D.C., Congressional Quarterly, 1984. 377 pp. $11.95.*

The significance of this excellent volume increased even more when Ronald Reagan was reelected in 1984. Each chapter cogently demonstrates how despite widespread public support and congressional resistance, the Reagan administration has dismantled and crippled natural resource and environmental protection programs.

This volume carefully analyzes how public policy is a means to an end (p. 5) and uses environmental issues to illustrate this point. It proposes two useful criteria for evaluating public policy: legitimacy and implementation. The contradiction in Reagan's record is tremendous: his environmental policy attempts to deregulate environmental controls clearly lack legitimacy. Robert C. Mitchell notes the public consistently supports environmental protection. For example, in the recent election in California, although Reagan car-

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ried the state, three major water pollution control and toxic waste control bond issues passed by margins well over 70 percent.

Administrative zealots usually seek to further, not hinder, their agencies' authority, budget, and prestige. But this book documents how key Reagan appointees went about destroying their respective programs in the Environmental Protection Agency (EPA), Interior Department, and the Department of Agriculture, and did little to further international cooperation specifically on issues such as acid rain and whaling treaties. It is a chronicle of bureaucratic destruction never before experienced in American government. Budgets were slashed to pre-Carter sizes, many programs were reorganized or disbanded, funds impounded, personnel fired, resigned, or transferred, political appointees hostile toward environmental regulations placed in charge of the programs intended to implement those regulations, and research programs to provide data and analysis gutted.

The authors analyze the "double speak" of deregulation. For example, EPA Administrator Anne Gorsuch stated "one of the objectives of this administration is to improve the quality of the scientific basis underlying the regulatory decision-making process" (p. 133). Instead, budgets were cut, appointments to national scientific panels were politicized, and the Office of Management and Budget (OMB), *sans* expertise (p. 86) became the final arbiter, not EPA, of regulatory policy. The results are chilling because they demonstrate the destructive ability of zealots apparently only nominally constrained under a system of checks and balances. Of particular concern is that due process has been undermined. The Reagan administration has severely reduced or eliminated public participation in environmental decisions and violated due process by allowing off-the-record private negotiations (p. 285).

The degree of programmatic destruction has not been uniform across policy areas. The greatest changes were in toxic waste control, public lands management, and energy, and the least in air and water quality control (p. 361).

After reading this book I am depressed but proud that outstanding scholars have assembled such a solid analysis of administration by ideology. They analyze whether deregulation actually saved money, for example, and make the case that implementing these statutes would have been cheaper than emergency regulation as was the case with ethylene dibromide (EDB) and the dioxin contamination at Times Beach, Missouri (p. 371).

Environmental Policy in the 1980s is a solid book for upper division and graduate public policy courses. It may discourage students from choosing public service careers unless the political climate changes, however.

LAURA M. LAKE
University of California, Los Angeles

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Exile: The Unquiet Oblivion of Richard M. Nixon *by Robert Sam Anson. New York, Simon and Schuster, 1984. 360 pp. $17.95.*

What do Gus Hall, Frank Fitzsimmons, the Shah of Iran, Hugh Hefner, Roone Arledge, Midge Decter, Barbara Walters, and Diane Sawyer have in common? They all crossed paths with Nixon in his retirement, and they are all chronicled in Sam Anson's book. In addition, there are excellent accounts of Gerald Ford's decision on the pardon, Nixon's preparation for the David Frost interviews, and how publishers Warner Books and Grosset and Dunlop managed to put together several of Nixon's books. The account of Nixon, Carter, and Ford travelling to Sadat's funeral is the best I've seen yet about what it must be like at the top of the pyramid. Anson also provides much information on the ex-presidency and the legal problems involved in custody of Nixon's documents and tapes.

This book may find its best use at the hands of social historians. It is actually—whether or not intended—an account of the political salvage and junkyard business. It describes, in great detail, just how the book agents, interviewers, and reporters each cut their deals, trading in on Nixon's notoriety. Everybody wins in this game: Nixon gets rehabilitated, the ten-percent artists get their cut, the publishing houses get well on their sales, and the public feeds its curiosity. No doubt we will all suffer through a television miniseries. There are only two problems: Nixon never went to jail for his part in the Watergate conspiracies; and he keeps writing those godawful books. "The best political writing has been done in jail," he remarked (p. 36) when faced with the possibility of a stint; perhaps he should have been given the opportunity to test the theory.

Read this book: Anson is a superb writer, who immerses the reader in all the details. After four and one-half years Nixon was almost completely rehabilitated. He showed up at the White House when Carter entertained a delegation from the People's Republic of China, and a Gallup Poll revealed he was one of America's ten most admired men (p. 207). He was worth about $3 million by 1979, much more than when he left the White House. Anson's book shows, in entertaining detail, just how Nixon pulled it off.

RICHARD M. PIOUS
Barnard College, Columbia University

Power, Crime, and Mystification *by Steven Box. New York, Methuen, 1984. 257 pp. Cloth, $27.00; paper, $12.95.*

Crime, says Stephen Box in this provocative, demystifying study, is not what we think. Criminologists tell us we fear street crimes (murder, rape, robbery, arson) committed by disadvantaged people, but Box says the "real culprits" are the powerful: corporate criminals and "our political and judicial 'superiors' " who protect those criminals (p. 3). He notes that unsafe working conditions, dangerous products, and pollution needlessly kill and injure workers, consumers, and citizens, making corporate crime "a major source of avoidable and illegal human suffering" (p. 30). By fixing prices, plundering resources,

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evading taxes, and defrauding regulatory agencies and consumers, corporations also rob the public of amounts "so astronomic as to be literally incomprehensible" (p. 31). Given the structure of corporations, Box says, men who rise to the top are ambitious, greedy, and shrewd, their morals "flexible." They operate in "a subculture of structured immoralities" with great opportunities for crime, little danger of being found out (most people don't even know they're being victimized by corporations), and scant penalties, for "the interests of the powerful are enshrined in legislation which has the appearance of opposing them" (p. 62) but in fact abets them. Using examples from the United States and Great Britain, Box, a sociologist at the University of Kent, shows how the "crimes of the powerful [are] made respectable and invisible" (p. 64) and he suggests some alternative punishments for corporate crime, such as imprisonment, public compensation, and nationalization of offending companies. He argues that "if there is no way of implementing justice for the largest and worst offending corporations, then it is surely unjust to pursue . . . the majority of those [people] eventually condemned to prison" (p. 79)—all those disadvantaged "criminals" unable to pay fines for relatively minor property offenses. Tracing further "the positive relationship between power and crime," Box suggests that the state allows police violence, corruption, and force to increase beyond legal limits to maintain social control in periods of marked inequality. He discusses rape as a crime by powerful men committed against powerless women, an extension of " 'normal' sexual encounters" (p. 121) encouraged by traditional sex role socialization and economic inequality between the sexes. Like corporate crimes disguised as "accidents," rape is "mystified" by blaming it on the victim. Finally, directly attacking Robert K. Merton's theory that a major source of crime is powerlessness—the disjuncture between cultural goals and the availability of legitimate means to achieve these goals—Box discusses the powerlessness of women and the very low rates of crime committed by women. He digresses from his careful argument to plunge into the old question, "Does women's liberation cause women's crime?" His answer seems to be no, without recognizing that the debate itself is another mystification. Box says his thesis—that power and privilege, not weakness and disadvantage, are criminogenic—"is not an idea that has found much elbow room within . . . criminology" (p. 202). Nor *without* either, though surely it explains much beyond the merely criminological about the condition of our society and our present perils. Anyone with the slightest interest in social justice should find this a welcome and necessary book.

ANN JONES
New York, New York

The Welfare State and Beyond: Success and Problems in Scandinavia *by Gunnar Heckscher. Minneapolis, University of Minnesota Press, 1984. 271 pp. Cloth, $29.50; paper, 12.95.*

"Scandinavia was a testing ground," writes Gunnar Heckscher, "for ideas that came to the fore since the First World War" (p. 4), and this volume analyzes the success of these

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ideas and the problems thereby engendered in the Scandinavian social laboratory. This is a defense of the welfare state as Scandinavian Social Democrats developed it between their assumption of power in the 1930s and the end of the 1960s. The irony is that Heckscher, former professor of political science and Swedish Ambassador to India, Japan, and South Korea, is also the former head of the Swedish Conservative party and, as such, opposed many of the individual measures that extended the Swedish welfare state in the 1950s and 1960s.

For Heckscher the ideal welfare state is "det goda folkhemmet"—the Swedish Social Democrats' slogan of the 1930s which translates roughly as "the decent home for all people." It provides its citizens with a fundamental material security that rests upon collective, social solidarity. It is founded on economic growth managed by an interventionist state whose Social Democratic "founding fathers were willing to substitute interventionism for socialism" (p. 7) and which was palatable for conservatives because of the tradition of paternalistic intervention in Sweden which "could be used almost directly as a basis for democratic interventionism" (p. 40).

While Heckscher dismisses those "serpents in paradise" (suicide, decline of the family, and permissiveness) (p. 157) which foreign journalists regularly decry in Scandinavia, he *is* concerned with the consequences of a series of developments of the last fifteen years. Stagnation combined with inflation have undercut the economic basis of the welfare state. More disturbing are what Heckscher diagnoses as internal problems: living beyond national means, a significant growth in the use of tax loopholes, the decline in savings and capital formation that seems to follow from Heckscher's equation that "the greater the equality, the smaller the chance of savings" (p. 115), and the gradual loss of transfer payments' moral justification. Much worse, in Heckscher's view, is the transition of Social Democratic egalitarianism from "equality of opportunity" to "equality of results" in ability to consume and to make decisions which, he suspects, runs counter to the basic (and base) human motivation of pursuing wealth and power. The "hard-liners of egalitarianism [who] have not given up their attempts to create the perfect society by increased regimentation" (p. 251)—the left wing of modern Social Democracy—are Heckscher's particular bête noire.

Heckscher is also concerned with the increasing rigidities of the political system. The political leaders who created the welfare state were both *for* and *of* the people, whereas the current generation, while for the people, is hardly of it and hence less confident about taking the risks that compromise implies. Moreover, the popular movements—farm and labor—which kept political leaders honest have themselves become bureaucratized. Add the confrontational ideology of the "hard-core egalitarians," the diminished trust in established authority, and the rise of single-issue politics, and one has a mixture sufficient to explode the "politics of compromise" that used to characterize Scandinavia. Heckscher fears that the resulting polarization will undercut support for the welfare state and limit its ability to respond to new international challenges. His prescriptions include restoring the willingness to compromise and the sense of individual responsibility, avoiding excessive egalitarianism, and maintaining concern for those worst off.

There are aspects of the volume which are less than satisfactory. The lack of footnotes is frustrating. What evidence might there be, for example, to support the claim that

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prostitution and crimes against property have increased because income from these sources escapes the purview of the tax authorities (pp. 122–123). Nor is the coverage of Denmark and Norway nearly as good as that of Sweden, and Heckscher mentions Finland so rarely that one wonders why that country was included. But the flaws are outweighed by the merits of this thoughtful and thought-provoking essay by one of the grand old men of European conservatism. It will be of interest not least to conservatives who question the adequacy of the panaceas currently fashionable in Britain and the United States.

JOHN LOGUE
Kent State University

Responses to Poverty: Lessons From Europe *edited by Robert Walker and Peter Townsend. Rutherford, N.J., Fairleigh Dickinson University Press, 1984. 337 pp. $32.50.*

This is a difficult but worthwhile book. It is difficult because it is a series of essays on comparative antipoverty policies. Even within one country, such as the United States, there is great controversy over the concept and incidence of poverty. The problems are compounded when comparing countries, even in Western Europe, that are very different in terms of wealth and income, styles of living, employment, and deprivation. Data are uneven, and presenting comparative materials is complex and dense.

Nevertheless, the book is successful. Two introductory essays by Townsend and Walker deal with the conceptual issues, problems of measurement, and comparative statistical analysis, and compare resources and expenditures in antipoverty efforts. The bulk of the book consists of a series of national studies (France, the Netherlands, West Germany, Denmark) grouped around three policy issues—unemployment and low pay; family policies; and social security and the elderly. Each section is preceded by an overview essay. The concluding chapter is devoted to "Lessons for the United Kingdom"—the purpose of the volume which grew out of a conference organized by the Civil Service College.

Despite the great increase in social welfare expenditures over the past several decades, there is strong evidence of a high incidence of poverty in Western Europe. Levels vary by country. As one might suspect, those most at risk are the elderly, the unemployed and low paid, large families, and lone parents. Women, the young, the unskilled, and the poorly educated have suffered the most from the recent unemployment. Who is "better protected" varies by country—the elderly in the Netherlands, single parents in West Germany, large families in France.

One of the surprising findings is the apparent lack of concern for antipoverty policies. Social benefits, yes, but for those who have a strong attachment to the work force. The concern is for horizontal equity within the workforce and maintaining income levels upon retirement. A great majority of the social benefits go to nonparents, whereas the cost of child rearing has increased steadily. Severe problems are caused by the combination of

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low earnings, large families, and the emergence of the single parent. Many innovative programs are being tried—I was particularly struck by those dealing with jobs, unemployment benefits, and congregate living for the elderly—but, as in this country, large-scale amelioration is blocked by the current fiscal crisis.

JOEL F. HANDLER
University of Wisconsin Law School

Race, Ethnicity and Power: A Comparative Study *by Donald G. Baker. Boston: Routledge and Kegan Paul, 1983. 243 pp. $22.50.*

The purpose of this book is to synthesize findings from studies of race relations by other authors to arrive at what sociologists would call "middle range" propositions about power and race in group relationships. The author confines his interest to literature about six societies that were once colonies of the British government: the United States, Canada, Australia, New Zealand, South Africa, and Rhodesia.

The book aspires to methodological distinction. The reason for controlling the country of colonial origin is to allow for more valid comparison among the societies on other variables and a more inductive proof of the author's theory of race and power. The text, however, is almost completely a sequential statement of findings about race and power culled from other authors' works, with annotated references to British "fragment" societies as additional illustrations. Little use is made of the research design to determine which patterns are idiosyncratic, which are general, and so on.

The book touches on some major points and some major arguments from a number of social science disciplines. It is, itself, pluralistic in content. I found my favorite theories referenced from time to time, and I suspect that virtually every researcher in the field will. In general, however, the book is not likely to be of much use to experts in any particular area because the price of breadth has, in some cases, been superficiality of exposition. For instance, the author accepts, without comment or footnote, the argument that the less advanced industrialization in the southern United States is due entirely to the desire to preserve slavery and segregation. The names C. Vann Woodward, John Hope Franklin, and similar authors who have something quite informative to say about this matter appear nowhere in the bibliography.

I would not recommend the book for classroom use either. There is considerable overlap in the material between some of the chapters. The arguments within some of the chapters are not well defined. A great deal of information is sometimes presented with an evenness of emphasis that sometimes causes the reader to lose the train of thought.

The cumulation of propositions and bibliographic references does not add up to a theoretical statement about race and power that is much different from what the professional reader would have before picking up the book. The book is perhaps most useful as a par-

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tial bibliography for experts in race relations who are unfamiliar with literature on one or more of the particular countries considered in the text.

D. GARTH TAYLOR
University of Chicago

Winds of History: The German Years of Lucius DuBignon Clay *by John H. Backer. New York, Van Nostrand Reinhold, 1983. 323 pp. $25.50.*

The author, sometime Viennese refugee, American paratrooper, economist with General Clay's Military Government, diplomat, and finally a historian, has completed his third study of postwar Germany. As an eyewitness to much of what he describes in his biography of America's responsible officer in occupied Germany, Backer provides an insider's useful perspective on the heavy demands which that high office placed on Clay. Readers will learn to appreciate more fully the daunting tasks that confronted America's "proconsul" in central Europe. Moreover, the author resisted to some degree the biographer's tendency to become infatuated with his subject, and he concedes General Clay's faults, chief of which was pigheadedness. For example, when Clay ordered all Nazi books burned, his information aide (none other than William S. Paley, future head of CBS) offered the clever alternative of pulping them for much needed newsprint instead (p. 59). Clay angrily refused at first and was eventually dissuaded only with the greatest difficulty.

Nevertheless, despite such episodes, what emerges is a study of a soldier/administrator of whom the Romans or the British of bygone eras would have been proud. This study in some ways chronicles the ability of a highly disciplined, almost Victorian individual to persevere in an assignment he neither sought nor enjoyed and to succeed through diligence and force of character. It all rings true, and Backer's contribution is a timely reminder to Germans and Americans alike that Clay served the interests of both nations at a time of great international uncertainty. Revisionists, too, will want to take note of the author's claim that Clay was probably the last high official under President Truman to accept as inevitable the Soviet-American breach that insured a divided Germany. Those concerned about claims of American "plundering" of the German economy through indirect reparations such as acquisition of science and technology (p. 107) will also be intrigued.

What then is left to criticize? Perhaps because he was an eyewitness, the author seems to have concluded that oral history is the one investigative technique above all others that provides us with a realistic appraisal of Clay. This work depends to an unusual degree upon testimony which he and others gathered from Clay, from Clay's subordinates, and from other high-ranking officials. The information presented here is frequently informative, sometimes banal, and certainly adds to our understanding of the key person who

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controlled the destiny of Germany directly or indirectly for four years. What is disturbing about this approach is the author's failure to corroborate many, or even most, of his eyewitness accounts with independent evidence. The reader is presented with statements—often obtained fully one generation after the Occupation—which, if believed, must be taken on faith.

Since the 1970s, researchers have had access to the voluminous files of Clay's Office of Military Government (OMGUS), a historical treasure trove that includes all correspondence between the various divisions and the military governor and his staff. Also useful are the papers of Ambassador Robert Murphy, political adviser to Clay, to mention just two examples of the archival collections available. Yet, at one point the author cites only an anonymous observer to the effect that Clay knew the details of military government divisions better than any division chief (p. 106), a claim which apparently justifies the author's neglect of division records but which this reviewer finds unconvincing. The difficulty associated with these records is that they require considerable digging and sifting; yet, in the end the effort is justified. This biography of Clay is provocative and is written with the assurance of one who participated in the events he describes. As such, Backer's study will prove useful. Alas, we must still await the definitive work on the German years of General Clay.

JAMES F. TENT
University of Alabama in Birmingham

Safe for Democracy: The Anglo-American Response to Revolution, 1913–1923 *by Lloyd C. Gardner. New York, Oxford University Press, 1984. 383 pp. $25.00.*

Described as a running struggle between Woodrow Wilson and Lloyd George, the World War I years become in Gardner's account a contest between allies who were mismatched. On the one side stood the conservatives of imperialist Europe and on the other a man whom Europeans characterized as Oliver Cromwell, intent on putting new people in the seats of the old time cliques ruling on both sides of the English Channel. To the leaders of the Old World, Wilson seemed to be intent on destroying what they held dear and doing so to the profit of Americans by squeezing the metropoles out of their closely protected markets.

Wilson is depicted as an idealist hoping for emergence of a broad-based democracy, but with little understanding of the forces at large in the world and with a sense that he could be influential in shaping that new democracy in his own liberal image. Bolshevism came, therefore, as a shock, for it moved beyond his control. Yet, even though he saw it as an evil, he was not prepared to accept what he identified as imperialist power grabbers in his crusade against it. He would not, therefore, leave the Japanese free to occupy and perhaps annex Eastern Siberia, even though they were defeating the Bolsheviks. His response was to land American troops in hopes of controlling what was done.

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In his admirably researched account, it is remarkable that Gardner omits mention of Franklin Roosevelt's success decades later in convincing Soviet diplomat Maxim Litvinov at the moment of recognition negotiations that Wilson's record justified dropping a claim for reparations for the Siberian intervention, which was proved to be an effort to restrain the Japanese rather than to gain territory for the United States or to unseat the Bolsheviks.

Gardner tells the story with prologue and epilogue. In the prologue he recounts the sometimes-forgotten prewar intervention in Mexico as Wilson tried to guide its revolution away from what he saw as the impermissible nationalization of foreign property. In the epilogue he writes of the Republican party's attempt, after defeat of the Democrats, to confine Japanese imperialism through the 5-5-3 arrangements of the Washington Naval Conference in 1922 and Lloyd George's attempt to bring the Bolsheviks back into the Concert of Europe at Genoa in 1922.

Within the confines of these opening and closing events Gardner treats the Chinese Revolution, with emphasis upon Wilson's struggle to keep the imperialist powers from recreating the concessionary system which they had constructed in pre-war China. Wilson is said to have thought Sun Yat-sen an adventurer and to have been suspicious of Sun's links with the Bolsheviks in Russia. Wilson's effort to maintain an open door in China was rebuffed by his allies as an attempt to break into their closed markets. In consequence, Wilson's China policy met with stiff opposition, but no rebuff was as disheartening as that inflicted by the United States Senate when he attempted to obtain ratification of the Versailles Peace Treaty with entry into the League of Nations in which Wilson placed much hope for a peaceful democratic world.

One puts down the book with renewed appreciation of the efforts of far-sighted Americans who created the Council on Foreign Relations and various schools of international affairs in an effort to prepare a post-Wilson generation to guide the country more effectively than Wilson's ill-informed group of advisers. It is a pity that decades after Wilson's failures there are some Americans in responsible positions who think that adventures like Wilson's at Vera Cruz are appropriate to pressures for change in Latin America. And there are others who look for solutions like Georges Clemenceau's barrier around Russia as an effective method of stopping Soviet expansion into the developing world.

JOHN N. HAZARD
Columbia University

Presidents Above Party: The First American Presidency, 1789–1829 *by Ralph Ketcham. Chapel Hill, University of North Carolina Press, 1984. 269 pp. $24.95.*

It is Ralph Ketcham's intention in this brief study to recover and explain the "nonpartisan ideal of leadership" that informed the early American presidency, which "contrasts importantly with both 'partisan' and 'popular' conceptions of the presidency influential in

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the twentieth century" (p. xi). Deriving their concepts of executive leadership from early eighteenth-century British writers, the first six presidents repeatedly asserted their antiparty convictions, even in the midst of bitter party strife in which they were directly involved. *Presidents Above Party* seeks to determine what the antiparty ideology of eighteenth-century Anglo-America meant to our first chief executives and to assess its impact upon their administrations.

An exploration of the early presidency that had only these objectives could be a valuable work; Ketcham, however, has something more in mind. Because Americans now invariably link effective presidential leadership with effective party leadership, he argues, "we are unlikely to grasp what the presidential office was in its first conception, and we may even be unnecessarily restricted in contemplating what it might be in the last quarter [*sic*] of the twentieth century" (p. ix). What follows is a distinctly curious book.

The argument opens with an extended discussion of the concept of executive leadership espoused by the English Tory writers John Dryden, Jonathan Swift, Alexander Pope, and especially Henry St. John, Viscount Bolingbroke, in his *Idea of a Patriot King* (1749). These anticommercial, anti-Walpolean, antiparty voices powerfully influenced Americans in large measure, Ketcham asserts, because they were better writers than their modernist, procommercial opponents.

The central portion of the work is a superficial survey of the nonpartisan behavior of our early presidents that utterly fails to demonstrate the political virtues of that behavior. Ketcham passes over George Washington too quickly to catch anything except his sincere antiparty rhetoric, but his brief portrait of John Adams shows how effectively a rigid hostility to partisan leadership could terminate a presidential career. Thomas Jefferson and James Madison become the objects of naive hero worship; all of their presidential triumphs are credited to their natural brilliance and sterling characters, while all party activity is charged to lesser beings in Congress. And James Monroe and John Quincy Adams, persuasively portrayed as being above party, appear as ineffectual and hopelessly out of touch with political reality. The narrative concludes with a surprisingly appealing view of the more partisan approach to public service that Andrew Jackson and Martin Van Buren brought to the American presidency.

Looking back over this well-written, well-intentioned book, one must ask why it is so thoroughly unpersuasive. The problem lies not in the author's manifest desire to use historical example to reform the modern presidency, but in his understanding of what is wrong with both present and past executive leadership. At the outset he asks: "Do we need to accept it as natural and proper, as happened in 1978 [and in 1982], that wealthy people with obvious special interests," past and potential contributors to the administration party, be invited to White House luncheons and "given access to the president's ear?" (p. ix). Of course we don't! What Ketcham thinks he sees in these tawdry affairs is what many British Tories and Whigs thought they saw in the 1720s and what several early presidents thought they saw from the 1790s to the 1820s: the evils of party. What they were really looking at—as both Ketcham and his predecessors fleetingly sense at several points—was the amoral commercialization of those political values which writers from Plato to Jefferson have seen as the essential stuff of civic virtue. In the words of his biographer,

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Lord Bolingbroke's antiparty "politics of nostalgia" has reached into the twentieth century to claim another victim.

RICHARD ALAN RYERSON
Massachusetts Historical Society

The Impact of Intervention: The Dominican Republic during the U.S. Occupation of 1916–1924 *by Bruce J. Calder. Austin, University of Texas Press, 1984. 334 pp. $22.50.*

Nearly fifteen years ago, I published a book about U.S. policy in Latin America after World War I which described how the war led to a shift in the way in which the U.S. exercised hegemony in the Caribbean basin from direct military intervention to less direct methods of control based upon the strategic importance of fuel, finance, and communications. Events of the past decade indicate that the U.S. government continues to intervene in the internal affairs of the nations in the Caribbean basin, without sympathy for the goals, aspirations, or sensibilities of the local people. But, unlike the interventions of an earlier age, the contemporary interventions have stimulated rather significant reactions in the U.S. and in the nations themselves. Since so much of the contemporary debate hinges around the argument whether local insurgencies are primarily the result of external subversion or deep-seated structural problems, considerable attention has been focused on the historical developments that may have contributed to the present malaise.

Bruce J. Calder's book is an interesting, valuable account of the Dominican Republic during the U.S. occupation of 1919–1924. It includes opening and closing chapters that place the occupation years in proper context. The former is a particularly good summary of U.S. imperialism at the turn of the century and a clear description of Dominican society and the political system at that time. Calder is least persuasive when offering analytical generalizations. For example, it is not clear *why* a neocolonial economy and an oligarchical society should produce political instability. Furthermore, recent studies of caudillo politics, including the outstanding work of Harry Hoetink which Calder has used, suggest that the seeming institutional instability masked a more profound systemic stability that reenforced the caudillo's power. Under this system, the power of the central state was not critical to the elite nor was its perennial improvidence a matter of concern to them. Had it been, it is likely they would have done something to solve the problem, as their counterparts did in Cuba, Mexico, Chile, Argentina, and Uruguay.

The bulk of the book is a careful, detailed discussion of the occupation and its impact on Dominican society. There are three chapters dealing with the reform efforts of the positivist, technocratic military government and what Calder refers to as the political economy of the occupation. Despite their best intentions, the military accomplished little of permanent benefit, showing "the difficulty that an interventionist foreign power will always have in trying to produce changes, however useful or necessary in another society"

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(p. 114). Certainly, one of the principal difficulties confronting the occupation government was the military opposition of guerrilla forces in the eastern region. The inability to subdue the insurrection and the brutal, racist treatment of the local population by the U.S. Marines are a sad lesson that remains unlearned to this day. Another difficulty, which Calder considers the primary cause of U.S. withdrawal, was, "The campaign waged by Dominican nationalists and their allies against the occupation" (p. 183). And he concludes that the military government's programs "left the basic pattern of Dominican life relatively unchanged" (p. 241).

Here, I disagree. The occupation strengthened the central state and created an integrative infrastructure which put an end to political regionalism and facilitated the rise to power of General Rafael Trujillo. But I agree with Calder's closing. "Foreign intervention was a policy neither wise nor just, a policy basically improductive for all concerned. It was an episode which, if humans were really to learn from experience, could have saved the United States and the less powerful victims of its interventionist diplomacy incalculable waste of life and wealth in the future" (p. 252).

JOSEPH S. TULCHIN
University of North Carolina, Chapel Hill

The Road to Redemption: Southern Politics, 1868–1879 *by Michael Perman. Chapel Hill, University of North Carolina Press, 1984. 353 pp. $32.00.*

Clearly and crisply written, based on wide reading in manuscripts, newspapers, and secondary literature, Perman's new book is the first comprehensive synthesis, covering all the ex-Confederate states, of the extensive anti-"Dunning School" revisionist work on southern Reconstruction politics. To the racist and anti-Republican Dunningites, the era was as simple as black and white. The only divisions among Democrats were between the cautious and the heroic; among Republicans, between villains and fools. More objective recent historians, employing grayer tones, have highlighted important schisms within each party. Systematizing this previously inchoate interpretation, Perman's superb delineation of the logic of competing political strategies is the capstone of what seems likely to become the new orthodoxy—Reconstruction as the politics of factions.

By 1869, Perman argues, the influence of radicals on both sides had declined. The initial adamant refusal of most white southern leaders to accept equal civil status and suffrage for the freedmen had been nullified by forceful national government action, while efforts by some Republicans to expropriate rebel lands and to disfranchise ex-Confederates permanently had been discarded as too extreme. Subsequent battles within each party were less principled than tactical. Republican "Centrists" sought to appeal to upperclass ex-Whig antisecessionists and later split the GOP by vainly mimicking Democratic calls for drastic tax cuts, while the "Regulars" concentrated on the party's basic black constituency. Contrary to the well-known view of W.E.B. DuBois, Perman believes that no major Republican faction favored an interracial class coalition of blacks with poor whites.

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Elitist "New Departure" Democrats, centered in the black belt areas, contended that the party could minimize northern intervention and attain power in the south by pledging to honor the postwar constitutional amendments and by making "nonpartisan" gestures toward blacks and former Whig leaders. Their chief intraparty competitors, the violent and ideologically purist "Bourbons," favored "straightout" white supremacist campaigns and opposed governmentally activist appeals to the ex-Whigs. The failure of the Democratic trimmers to convert sufficient numbers of lukewarm white or black Republicans and black leaders' demands for offices and more racially egalitarian policies led both parties after 1873 to stress "expressive" strategies designed to rally their core supporters.

Having "redeemed" the south from Republican rule, the Democrats shattered into a congeries of often bitterly contentious factions, none securely dominant: neo-Jacksonian least-government men and New South industrial boosters, white county "agrarians" and black-belt merchants and planters. Slashed government spending by legislatures and constitutional conventions during the depression of the 1870s facilitated factional coexistence, since it left few programs to fight over, but the repudiation of state debts, restrictions on subsidies to industry, and the emasculation of government services and regulatory capacities frightened away outside capital and obstructed orderly regional development.

Because he performs no independent quantitative analyses of electoral statistics or legislative and convention roll calls or any systematic investigation of policies and their impacts, Perman fails to clarify sufficiently the relation between tactical, ideological, and social groupings and probably overstates the economic effects of legal changes. Was the division between Whiggish black-belt conciliators and Jacksonian hill-country white liners so clearcut and so consistent over the years? Weren't their strategies and those of Republican subgroups less contradictory than complementary? How unstable and opportunistic can intraparty caucuses be before a faction loses its usefulness as an organizing device? Were Republican appeals to disadvantaged whites through internal improvements and the expansion of education really doomed to failure because those policies also attracted blacks? What role did hill-country ex-Unionists play? What were the social correlates of votes on tax limitation and labor statutes? How large were the independent effects of lien and antisubsidy laws on black welfare and southern economic development? By summarizing and refining current trends in scholarship so lucidly, Perman has called attention to questions that must be investigated more thoroughly before the factional interpretation can be accepted or revised.

J. Morgan Kousser
California Institute of Technology

Poland's Self-Limiting Revolution *by Jadwiga Staniszkis. Princeton, N. J., Princeton University Press, 1984. 352 pp. $25.00.*

The wave of revolution and change that swept through all elements of Polish society after the workers' strikes began in the summer of 1984 has created a cottage industry of ob-

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servers' reports on Solidarity, the tragedy of martial law, and the international actors in the Polish drama. Few, if any, of the reports that have been published so far have looked at Poland in terms of broader theories of human behavior, the swirl of social groups and competitors for power other than Solidarity spokespersons and the visible party leaders, or the historical context of the events in 1980.

Ironically, this is one of the first studies to look at Poland in the context of broader social theory and, for all of its complexities, published in English. Its author, Jadwiga Staniszkis, comes at these events both as a political scientist and as one of the advisers to Solidarity in its initial negotiations with the government. But, in all of the essays, she speaks not from a commitment to the movement but with an analytical detachment aimed at a critical assessment of the goals, successes, and failures of all the actors in the Polish drama (the workers, the Church, the dissidents, the party leaders, the bureaucracy, and the population as a whole). And, although her analysis is based on the psychological underpinning of both the power holders and the popular movements and the impact of an ideological structure on their ability to articulate demands, make compromises, and understand their situation, this is not a book fashioned to prove the success or failure of Poland's Marxism. Rather Staniszkis uses various Western theories of revolution and crisis management, such as Juan Linz's model of democratic breakdown, to explain the various political, economic, social, and psychological factors in the unfolding of events from the establishment of the strike committees to the declaration of marital law. Even more importantly, she has looked into Polish postwar history to find answers to the questions of whether this kind of crisis is new and why the events of August 1980 happened. Her answers deal with the previously underexplored notions of ritual drama—granting, as she admits one critic pointed out, more deliberateness to elite action than is realistic—and the development of a bureaucratic-administrative state in the 1970s under Edward Gierek.

Whether or not specialists agree with all of Staniszkis's explanations of events in Poland, the book is rich with details of the inner circles of the party and state leadership, Solidarity, and the intellectual establishment that could only be provided by a critical observer in the midst of the events. In this virtue, though, lies one of the book's most tragic faults. Because the editors wanted to prepare the book when Poland was still cut off from the rest of the world, they merely translated the series of essays that Staniszkis had written at various points during the Solidarity period. These essays, for a Polish specialist, are interesting reflections of the understanding of the moment of the direction events would take. They do not, however, provide a coherent picture of the transformation of Solidarity and the move toward marital law. Instead, one is limited to a twenty page epilogue apparently revised one month after the declaration of martial law in an attempt to respond to this event. One is left wondering how she would have drawn together and reformulated the earlier essays in the light of later events and revelations.

The book's other virtue and vice is that it deals with the kaleidescope of Polish events rather than simply proving a theory by picking the appropriate facts and events. The complexity of the events and the plethora of explanations is both honest and confusing. For those who do not know the details of postwar Polish developments, the book can, at best, be suggestive. It fails to explain simply because it assumes an insider's knowledge and as-

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sumes that the readers can make leaps from one historical period to another and fill in the holes in early discussions with later chapters.

These faults are tragic, not because they make the analysis less valid, but because they will make the information and the argument less accessible to non-East European scholars whose theoretical analysis would benefit from Staniszkis's proof that Poland is not explicable by communist labels but by broader theoretical norms.

JANE LEFTWICH CURRY
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Jinnah of Pakistan *by Stanley Wolpert. New York, Oxford University Press, 1984. 421 pp. $24.95.*

Dramatists may find in Mohammad Ali Jinnah a modern, classic model of the tragic hero. His ultimate catastrophe was not the creation of Pakistan, but his age and his eminence. His death within a year of independence left a vacuum, deepened with the soon-to-follow assassination of Liaquat Ali Khan, his confidant, lieutenant, and heir. The tragedy of the vacuum is evident in the instability of political regimes in Pakistan, the severance of East and West Pakiston, and the current regime's lack of commitment to the minority rights stressed by Jinnah. Yet the vacuum was not created by Jinnah, but thrust upon him. Its emergence is documented in Wolpert's expertly crafted biography.

Other volumes describe all or part of the life of Jinnah, yet no others offer the detailed scholarly portrait of Wolpert's *Jinnah.* The stimulus for this eminently scholarly volume follows from the opening lines of his preface. "Few individuals significantly alter the course of history. Few still modify the map of the world. Hardly anyone can be credited with creating a nation-state. Mohammad Ali Jinnah did all three" (p. vii).

Jinnah's creation of Pakistan was not the lifelong commitment of an individual seeking to emulate Mohandas K. Ghandi, the Nehrus, and other Congress leaders or the act of a politician seeking independent recognition, accolades from some mass however defined. Jinnah emerged on the political scene in India as an advocate of independence, an advocate of Hindu-Muslim unity. This cautious parliamentarian, member of both Congress and the Muslim League, initiated and fell folly to innumerable acts leading to the eventual independence of India and Pakistan. After a meteoric rise in Indian politics during the 1910 decade, Jinnah was decimated by Ghandi at the 1920 Nagpur meetings of the Muslim League and Congress. There Ghandi's proposal for seeking independence under any "legitimate and peaceful means" (p. 71) was questioned by Jinnah, for he saw the act leading to loss of future commonwealth association.

The portrait drawn by Wolpert is that of an individual cast aside from the Muslim-Hindu unity role he had played in Congress. Jinnah reemerges in 1937 as a changed individual, a Muslim leader committed to the protection of Muslim-minority-political rights. The argument for a separate Muslim state is solidified in 1940 in the Lahore declaration, formalizing the two-nation argument. From there, Jinnah's negotiations, trades,

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and debates lead to independence in 1947. The path towards that end involves a process of political and legal maneuvering for Jinnah more common to diverse parties than to single individuals. Yet Jinnah, by then sick with the disease which would end his life shortly after independence, remained focused.

The remarkable history of a man who changed the boundaries of nations is presented with the care one has learned to expect from Wolpert. There is nothing flashy or novelistic in this volume. This is solid, political history, well documented and without extensive interpretations or judgments. In twenty-two chapters, organized chronologically to follow the political life of Jinnah with few digressions, perhaps because there were so few in Jinnah's life, one is led year by year through his history.

Given Wolpert's previous work, it is perhaps superfluous to say that the volume is well written and well documented. Yet it is not a volume for casual reading; it is much too intense, much too detailed. This is the type of volume that you would want to give to a bright graduate student concerned with political history to provide that student with a balanced view of the emergence of independent India and Pakistan and an exhaustive guide to the actors and events which might be used for further study.

LEE L. BEAN
University of Utah

The Pakistan Army *by Stephen P. Cohen. Berkeley, University of California Press, 1984. 177 pp. $27.50.*

Important as the military is in the Third World, there are few countries where it has been more central in the national self-image and politics as in Pakistan. Stephen Cohen of the University of Illinois, a top South Asia expert, writes an introductory but analytic book equally helpful to area specialists and students.

Based on his research and numerous interviews, Cohen provides a collective biography of the Pakistani officer corps in its organizational, social, and political setting. He carefully and accurately sketches the effects of Islam, the British heritage, the India-Pakistan conflict, the Soviet presence in Afghanistan, and the nuclear option on the military leadership.

Pakistan has one of the most difficult geostrategic situations in the world. Divided among four linguistic-ethnic groups, lacking a strong national ethos (despite the cementing role of Islam), it is narrow and difficult to defend. Much of the border with India is flat and key cities are located near the frontier. Islamabad knows that it could never stop a determined Soviet invasion but hopes that it can create enough of a deterrent which, when combined with U.S. support, makes that slim possibility even more unlikely.

But most of the Pakistan army remains on the Indian border. Feelings of superiority, born from past centuries of Muslim domination over the Hindus, have faded after disastrous defeats to India in 1965 and in 1971, the latter including a humiliating surrender

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by 90,000 Pakistani soldiers and the secession of East Pakistan as Bangladesh. The reputation of the military sank very low.

Today, one finds—as Cohen shows—a great deal of realism and pessimism in the Pakistani army. Most officers, drawing on past experience, understand India's military superiority and worry about U.S. abandonment in the face of an Indian or Soviet threat. One air force colonel told me, "The advantage of the U.S. aid is that it will enable us to hold out against India for five days instead of two." Finally, the army is professional without being capable: well-trained, well-disciplined, but very weak on strategy and coordination.

Unsuccessful against India, however, the military has ruled the state for most of Pakistan's history. Civilian politicians, by calling the military out for civil conflicts, have themselves been responsible for this politicization. One general told the late Prime Minister Zulfiqar Ali Bhutto that if you use a stick too often, the stick will take over. When Bhutto called out the soldiers against Islamic demonstrators in 1977—events Cohen should have described in more detail—General Zia al-Haq displaced him. The latter has instituted military reforms and a controversial Islamicization program, partly sincere, partly to please Saudi bankrollers and internal Islamic parties, partly as justification for his rule.

The military itself is somewhat aloof from this process. The typical officer, Cohen notes, is highly Westernized in appearance and values, yet he is truly Muslim and rejects much of what he believes is the degradation of the West. The leadership is trying to work for an amalgamation of two cultures but sees Islam as a way of disciplining civilian society.

Yet, unlike other Third World countries, military rule is seen as a temporary expedient rather than a natural phenomenon. History tells the army that intervention must be limited in scope and time. Fear of internal problems or punishment at the hands of supporters of the executed Bhutto make it difficult for it to relinquish power. Military rule is carried out "with some embarrassment and apology" and while the situation might degenerate, Cohen thinks this tradition will produce a return to civilian rule.

BARRY RUBIN
Council on Foreign Relations

Groups and Politics in the People's Republic of China *edited by David S. G. Goodman. Armonk, N.Y., M. E. Sharpe, 1984. 217 pp. $25.00.*

Almost two decades ago some scholars, such as H. G. Skilling and Jerry Hough, began arguing that the prevailing frameworks of totalitarianism and Kremlinology were inadequate for understanding Soviet politics and that interest group theory drawn from Western societies could help us understand the USSR. Although debate over this proposition has continued within the Soviet field, until now China specialists paid little heed to

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the matter. That has now changed, due in part to the volume under review here. All of the contributions to this book, many of which were given in a European workshop on Chinese politics in 1981, address the question of whether an interest group approach is relevant to understanding politics in post-1949 China. Whether the new appeal of the interest group perspective is due more to "liberalizing" changes occurring in communist countries, changes in East-West relations, or to changing intellectual fads in the West is an interesting question that cannot be pursued here.

Three of the contributions to this volume (Goodman's introduction, plus essays by Peter Ferdinand and Michael Waller) are general essays that review the origins of interest group theory in the West, the controversy over its applicability to the Soviet Union, and issues raised in regard to the Chinese case. The remaining essays discuss a miscellaneous variety of groups, most, but not all, defined occupationally: workers, peasants, teachers, intellectuals, the military, economists, provincial first party secretaries, and elite factions. In general the essays are thoughtful and information-filled, although as in any edited collection there are stronger and weaker papers. But some of the better papers, such as those by John Burns on peasants and Tony Saich on workers, can be read profitably by those little concerned with the interest group debate who simply want to know something about the place of those groups within Chinese society.

Still, the main virtue of this book is that it does have a clear unifying issue: do interest groups play an important role in contemporary Chinese politics? Goodman sets the tone for the volume by making modest claims for the interest group approach. He argues that the issue should be whether interest group theory is one of several approaches that can help us understand the Chinese political system. And in fact some may choose to read this volume as evidence of the limited applicability of the interest group approach in the Chinese case. All of the authors agree that China is not in any meaningful sense a pluralist political system. And few can find instances of organized claims being made by occupational or functional groups on the political system. John Burns argues that peasants do sometimes organize to redress local grievances, but even then this action is generally kept bottled up within local communities rather than translating into pressure on the authorities in Peking. In other words, groups may be important in Chinese politics, but they do not take the form of lobbies, as in the West. Gerald Segal goes further, arguing that the interest group approach is quite misleading in understanding the role of the military in Chinese politics. Other authors are more positive, but they generally acknowledge that occupational groups are internally segmented, divided into factions, and only able to show even modest signs of advocating group interests during "moderate" swings of the Chinese political pendulum. Some authors argue that the interest group approach in its usual form is not very useful for understanding China, but that the alternative offered by a bureaucratic politics approach is more useful. But even here there is counterevidence. For example, David Goodman argues that provincial first party secretaries have neither operated together as a unified group or separately to consistently advance the interests of their particular provinces. Factors such as ideological leanings and loyalties to factional allies keep getting in the way of any simple advocacy of organizational interests.

In sum, group formation of various kinds is clearly important in the Chinese political

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system, but the extent to which groups can operate as autonomous political actors, and the various bases for the formation of groups, will still remain unclear to readers of this volume. Still, this is a valuable contribution that will stimulate further discussion on what are the most useful frameworks for understanding politics in communist countries.

MARTIN KING WHYTE
University of Michigan

The White-Boned Demon: A Biography of Madame Mao Zedong *by Ross Terrill. New York, William Morrow, 1984. 446 pp. $18.95.*

The best way to approach Ross Terrill's biography of Jiang Qing is as a superb collection of political gossip—the kind one hears throughout the streets of Peking, that Chinese citizens thrive on, analyze, and love to share with one another. During the trial of the Gang of Four in 1979—when Jiang Qing was commonly portrayed as "the white-boned demon"—stories about the scandals of her past, which presumably illuminated her behavior during the Cultural Revolution, became the rage of Peking gossip circles. Terrill's biography, though based on a wide range of sources, primarily presents the version of Jiang Qing's life derived from this era of Peking gossip.

There is little to glorify in this version of Jiang Qing's life. From the time she was a child, Jiang Qing was a disruptive nonconformist who constantly battled to attract public attention. As a teenager she began her career as an actress, eventually making her way to Shanghai where, during the 1930s, acting and politics began to merge for her. She was second-rate at both, according to Terrill. She joined the Chinese Communist Party (CCP) because "she thought it was the right thing for the times, and she also loved the self-expression it afforded" (p. 53).

Like many members of the CCP in Shanghai, Jiang Qing was attracted to Yanan. But while others journeyed to the Communist capital with a commitment to forging a revolution, Jiang Qing's primary motivation was to escape a disintegrating romance and to seek adventure. Her most stunning venture in Yanan was becoming Mao Zedong's third wife, much to the consternation of many Party leaders. Their marriage was agreed upon on the explicit condition that Jiang Qing would refrain from political involvement for thirty years. Many of her activities during the Cultural Revolution can be explained, Terrill contends, by her determination to revenge those who had forced this confinement on her.

From 1949 on, Jiang's major goal was edging her way back onto China's political stage. It was not until the 1960s, when Mao began to see his wife as an ally in his own attempt to regain power in the wake of the failure of the Great Leap Forward, that Jiang Qing succeeded in acquiring political power, eventually winning an appointment to the omnipotent Cultural Revolution Group. By proposing that all opera, theater, music, film, and art must be revolutionary, she was able to attack her opponents—those who had ob-

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structed her theatrical, political and romantic careers—as bourgeois, capitalist, or counter-revolutionary.

By the 1970s, with Mao's death increasingly imminent, Jiang Qing mobilized the Gang of Four to assist her in the "bid to be empress" (p. 302). The attempt failed; they were arrested and brought to trial in 1979. Ironically, it was Jiang's defiant and often comical performance during the trial that finally earned her Terrill's—and the Chinese public's—admiration. Despite her refusal to confess, she was found guilty and has been confined to prison ever since.

This, then, is Terrill's version of Jiang Qing's life. One problem with the book is that Terrill fails to distinguish for the reader what information is credible or verifiable, and what is dubious. The only exception is that he constantly questions statements made by Jiang Qing herself. Terrill rarely cites the sources of specific stories; at best he remarks that a certain piece of information came from "an important source." The book's most serious flaw, however, is the proliferation of grandiose statements that are at best provocative, but are more often highly dubious, if not downright sloppy. The most striking example is his assertion that Mao, like most leaders of peasant rebellions in Chinese history, had a strong sex drive (p. 184).

Despite these flaws, as a collection of political gossip, Terrill's volume is a very satisfying and entertaining read. It succeeds in suggesting the crucial role played by personalities and personal relations in Chinese politics. Serious scholarship it is not, but then it is doubtful that it would be possible for anyone to write a scholarly biography of Jiang Qing.

EMILY HONIG
Lafayette College

Women, the Family and Peasant Revolution in China *by Kay Ann Johnson. Chicago, University of Chicago Press, 1983. 282 pp. $23.00.*

Patriarchy and Socialist Revolution in China *by Judith Stacey. Berkeley, University of California Press, 1983. 324 pp. $23.00.*

According to the elitist Confucian view, a well ordered Chinese family was to be structured according to clearly defined status relationships. Males were superior to females. Inferiors were expected to defer and obey, while superiors were enjoined to be responsible for those in their charge. The patriarchal family, with authority flowing downward, was considered a microcosm of state and society and, as such, was the most celebrated institution of traditional China. Yet, despite the many dramatic heroines of fiction and poetry, serious research on the women of the Chinese family has been sparse. This, evidently, has had to wait until "women's studies," the academic expession of feminism, emerged as a byproduct of the women's movement of the 1960s and 1970s. At last, women are in style in Academe!

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Kay Ann Johnson and Judith Stacey have written books which deal with the effect of socialist revolution on Chinese women and which ask: how far have they come from passiveness and obedience? The books are important, not only for their findings but for their timing. The choice of women as subjects for research now has cachet. Also, in contrast to the atmosphere of ten or twelve years ago, when many China scholars apparently believed that the People's Republic of China (PRC) had not only solved its own problems, but would lead other societies out of darkness, recent and contemporary Chinese society is now studied more critically and with less effusiveness. The publication of these works is also noteworthy because of the generally pro-abortion outlook of American feminism. The authors have had to deal with the PRC's use of abortion as an instrument of state policy, not to elevate the status of women, but in a desperate attempt to reduce the national birth rate.

The books differ as to sources, techniques, and emphases, but they argue the same thesis: family crisis was at the core of the Chinese revolution, not the other way around. Socialism has not produced gender equality and, while the PRC has eliminated some of the worst abuses of the past, such as footbinding, women's rights have, with a few exceptions, been repeatedly subordinated and overwhelmed by other interests and priorities.

Each author begins with a critical overview of the status of women in traditional China. Johnson characterizes its kinship system as having been "more unmitigated in its exclusively male principles than many other known systems" (p. 24). Each study interprets the May Fourth period (1917–21) as a time when elitist students, wanting to destroy the corrupt old system, discovered feminism. This heyday for women's rights in China was short-lived, however, because tensions developed between the urban-based feminist movement and the male-dominated Chinese Communist Party (CCP) leadership. Later, the CCP worked to create a power base among the peasantry, who wanted patriarchal families, and it became politically expedient to avoid women's rights issues. Although the CCP and the feminists agreed in principle that family reform was needed and that gender equality was good, these values were always subordinated whenever any conflict between them and the task of organizing the male peasantry seemed likely.

The argument that the CCP did not live up to its early good intentions is important. So much scholarly attention has been devoted to the May Fourth movement that a misimpression may have been created that women's rights "took off" and continued to gain ground. It also explains why Chinese male leftists and/or revolutionaries seem to have been more consistently positive about women's rights at the rational and intellectual level than at the behavioral level.

Both scholars challenge the assumption that modernization and economic development are more readily achieved by means of a nuclear family system rather than one that is patriarchal. Johnson argues that the PRC's development strategies benefited from maintaining the strength of traditional family structures and community ties (p. 97). Stacey has invented the term "patriarchal-socialism" to make the same point.

Within the framework of their own values, these books are important, useful, and long overdue. As research, Johnson's is more original. She has focused primarily on attempts to reform marriage and the family. Johnson is a political scientist and China specialist.

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She has combined primary sources in Chinese with western sources and the results of some field work to produce a book which is strikingly intensive and systematic. She argues cogently that Marxist theory could not cope with status-of-women issues and that anyway, women in China were a theoretical problem and an anomaly. Since they had no property rights or control over the fruits of their labor, women themselves constituted a propertyless class and didn't fit into Marxist class categories (p. 40).

In a discussion of family reform during the early years of the PRC, Johnson presents an extensive analysis of the famed 1950 Marriage Law and the 1950–53 period during which genuine attempts were made to bring about gender equality. Her discussion of this era is especially rich and sophisticated. She follows this with analyses of how subsequent political, economic, and military policies of the PRC impinged—usually negatively—upon women.

Judith Stacey is a sociologist who describes herself as having studied China as a "nonarea specialist" (p. x) and as presenting a "feminist, historical materialist analysis" (p. 10). She has relied entirely upon secondary and tertiary sources for her examination of the new rural family system which, she maintains, was based upon patriarchal foundations. This new system facilitated Communist victory and enabled subsequent Maoist experiments to take place. Stacey's distinctive study in feminist sociological theory reinterprets and combines well-known work of China scholars with that of feminists and sociologists. It is noteworthy for its sensitivity and clarity, and demonstrates that scholarly creativity can be achieved through synthesis as well as analysis.

Like Johnson, Stacey finds that, although the Communist regime is not without achievements in family reform, it has not lived up to its feminist heritage. Family reform policy has not succeeded as well as land reform, she argues, because the CCP lacked a vision of family policy. Even the most radical family reform efforts of the 1950 Marraige Law occcurred within a conservative framework, and the ultimate effect of People's War was to make a reformed and revised patriarchy available to more men (pp. 251–252). Opportunities for real gender reform, which might have been created during the PRC's all-out effort to collectivize agricultural production and which could, potentially, have freed women from patriarchal control of their labor, were misused (p. 253). Stacey's book is less extensive than Johnson's, and China scholars may become impatient with its lack of primary sources. However, it is a fresh contribution to social theory.

This having been said, one wonders what influence these studies will have. The audience to whom they will appeal is already sympathetic. Althought written with care and precision, their single-note themes make it unlikely that they will interest readers who do not share their assumptions. Each is a model of the best contemporary style in scholarly writing: tightly written and tightly focused. Most sentences are constructed in the active voice, chapter lengths are carefully balanced and documentation is clearly presented. They lack color, humor, and what used to be called "human interest." The authors' need to be taken seriously has overshadowed the need to be interesting. Throughout hundreds of pages of discussion of gender issues, love, affection, and desire are barely mentioned. With the exception of a few fleeting references to such luminaries as Teng Ying-chao and Ting Ling, individual Chinese women are not discussed. Men aren't discussed much as individuals either, but the impression is generated that the male sex is predatory only.

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A comparative perspective on female subordination in agrarian societies suggests that the traditional Chinese family system was relatively life-affirming. Unlike India, China did not have *suttee*, the institutionalized self-immolation of widows. The Chinese taught the concept of reciprocal responsibility and were less misogynous than other societies which valued monasticism and asceticism.

Is the present failure to acknowledge the value of women's work and give them control over its fruits related only to ill will and ancient attitudes? National wealth, state of technological development, life expectancy, and literacy are but a few of the many factors that should also be included in evaluating the complex relationship between the sexes. These books provide balance, especially for the disciplines of political science and history, which are so emphatically masculine in emphasis. Their findings are not surprising, but their feminist approach, while not inaccurate, is inadequate. The authors ought to present a positive view of their own of what life should be like for Chinese women.

RHODA WEIDENBAUM
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Steering the Polity: Communication and Politics in Israel *by Itzhak Galnoor. Beverly Hills, Calif., Sage Publications, 1982. 411 pp. $25.00.*

Despite the countless pages written on Israel in newspapers, magazines, and books during the last generation, there is still precious little that presents a sound, comprehensive picture of politics in Israel. What we read is far too polarized between highly specialized works on fragments of the Israeli political process and general accounts that miss the richness and subtleties of the formal and informal uses of power. Itzhak Galnoor's *Steering the Polity* helps fill this yawning gap, laying out a complete, integrated road map for understanding politics in Israel. Its focus is on the period from 1920 (the pre-state era) to 1967, when significant changes overtook Israeli society in the wake of the Six-Day War.

For non-specialists, Chapter 2 is a particularly useful overview of Israeli society and politics. It sets out the context, including world Jewry and the Arab-Israeli conflict, which has shaped some of the unusual features of the Israeli state. Also, Galnoor analyzes the principal challenges that the state has faced (nation-building, economic development, and social integration), giving him an opportunity to present important social and political cleavages. Finally, the chapter describes the formal features of the political system.

Subsequent chapters flesh out the institutional development of Israeli politics and the ability of the public to shape the nature of that politics. Institutional development was impressive indeed. "During the 1920s and early 1930s, the Jewish community in Palestine can be described as politically cohesive, socially segmented, and institutionally chaotic" (p. 117). By the time an independent state was created in 1948, incorporating both Jews and Arabs, the institutions created earlier by the Jews were strong and enduring. "The political system as a whole enjoyed stability and development because the network was strong enough to survive stress and undergo adaptation" (p. 156).

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On a theoretical level, Galnoor's interests go beyond a descriptive account of Israel's political history and its dominant institutions. As suggested by the subtitle, "Communication and Politics in Israel," the author's concerns lie in the realm of political communication. The centrality of communication in politics for Galnoor is reflected in his statement that "once the institutional basis is sufficiently developed and there is a network capable of incorporating the relevant segments of society into the political system, the task becomes mainly one of regulating and controlling the flow of political information" (p. 159).

Galnoor's discussion of the role of information and communication in the polity is concentrated in his first chapter and in the introductory sections of many of the subsequent chapters. For example, at the outset of Chapter 6, he surveys the relatively unexplored topic of bureaucracies and communication. His analysis stresses how the bureaucracy serves as a vertical channel of communication between center and periphery, as well as a feedback channel based on relations with citizens. The terms and categories set out in this introduction are used to frame the fascinating story of the change from fragmented, party-controlled bureaus in the pre-state era to a centralized bureaucracy after independence. In this account, Galnoor notes how the new state absorbed parts of the pre-state bureaucracy rather than the state becoming a mere extension of these often-strong organizations. There developed what he refers to as a "subordinated bureaucracy" (p. 204).

The communication overlay rarely becomes intrusive in the unfolding of the account of the development of Israel's bureaucracy or, for that matter, its political parties, mass media, or other elements of polity and society. My only complaint in this regard is that the book reads, at times, as an expanded formal outline. There could have been a bit more organic unity to the presentation of the story itself.

Even though the communication categories are not intrusive, one is left wondering what they contribute to the account. Galnoor asserts that "political development means building the communication network that feeds the steering mechanism of the political system" (p. 266). But he does not demonstrate why such a perspective is superior to one that focuses on institution-building without the preoccupation of communication, or why a standard discussion of political participation could not tell us about the ability of the public to influence politics. The "theory" presented in Chapter 1 is in reality an elaborate set of definitions and metaphors. The real point of the book is an absorbing one, but communication is only a single aspect of a multifaceted argument. Galnoor suggests that the coherence of purpose and background of those at the center of the Zionist experiment (the "common contents") enabled them to unite, even shape (steer, if you like) a highly fragmented, rapidly growing society. The polity that developed was democratic—high on personal mobility and political involvement—but, anomalously, low on opportunities for this involved public to modify the polity.

JOEL S. MIGDAL
University of Washington

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Iraq: Eastern Flank of the Arab World *by Christine Moss Helms. Washington, D.C., Brookings Institution, 1984. 215 pp. Cloth, $28.95; paper, $9.95.*

Despite its strategic and economic importance, Iraq has been misunderstood, even maligned, by the West. This book, aimed mainly at policy makers and political practitioners, rather than academics, is an attempt to remedy this situation. Helms, a research associate at the Brookings Institution, had access to Iraq's top leaders in the course of her research, a fact reflected in both the strengths and weaknesses of the book. Among the former is a wealth of information on contemporary Iraq and its political system unavailable to most outsiders, as well as valuable insights into the policies and priorities of Iraq's leaders. Among the latter is Helms's tendency to put insufficient critical distance between herself and her Iraqi government sources. While she draws heavily on interviews with Ba'ath leaders, the media, and key secondary sources, she has not, as far as can be told in the absence of a bibliography, balanced these with statistical data, much historical material, or more neutral sources. Some assessments must be regarded with caution. A prime example is the citation of one million students in universities, a figure offered by an Iraqi education official, that the author admits is "probably too high" (p. 87). Iraq's official education statistics show the figure to be about 120,000.

The book consists of three parts. The first, using a geographic approach, deals with the factors that have shaped Iraq as an emergent twentieth-century state. Helms shows how the artificial boundaries imposed by the British after World War I cut Iraq off from much of its hinterland and some of its water resources and left it with an inadequate share of the Persian Gulf coastline. While Iraq's water, petroleum, and human resources provide considerable potential for development, the state also has an ethnically, religiously, and culturally diverse population, providing continual tensions within the state and the need for a strong central government to control them. Helms is strongest on geography, weakest on history. The remainder of this part, dealing with the emergence of Iraq as a state, spends too much time on boundary disputes, too little on the social and political forces that have shaped the contemporary state.

The second, and most useful part of the work, explains the origins, structure, operation, and ideology of the elusive Arab Ba'ath Socialist party currently ruling Iraq. Helms views the party and its leader, Saddam Hussain, as essentially pragmatic, despite the smoke screen of ideology emitted by the party. While the Ba'ath is not totally free of personalism, Helms paints a convincing picture of the widespread institutionalization of party power in Iraq.

The third and last section of the book reviews the Iran-Iraq war, concentrating on its causes, both long and short-term, and the problems it has brought Iraq. Helms sees the war mainly as a challenge to Ba'athist control over Iraq and a clash of ideologies between the Ba'ath's progressive secular Arab nationalism and Iran's conservative Islamic republicanism, with wider implications for the area.

In a good conclusion, Helms sums up Iraq's problems—potential difficulties with neighbors; limited (temporarily non-existent) access to the Gulf for its oil; the consolidation of a nation-state in territory where the population has conflicting loyalties; and vul-

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nerability to interference in its domestic affairs by powerful neighbors. Despite these difficulties, Helms leaves the reader with a positive impression of Iraq and its potential for development.

PHEBE MARR
University of Tennessee

African Security Issues: Sovereignty, Stability, and Solidarity *edited by Bruce E. Arlinghaus. Boulder, Colo., Westview Press, 1984. 229 pp. $25.00*

Bruce Arlinghaus divides this volume into three sections dealing respectively with "sovereignty" (rather, threats to it), "stability" (typically, reasons for its absence), and "solidarity" (largely reasons for its failure). The argument for this arrangement is that domestic weaknesses, external intervention, and failures of inter-African cooperation are directly related, not to say mutually aggravating. The individual essays range over a broad, representative selection of issues, and many will be especially useful to non-specialists.

For them, and for professional scholars, the essays on "sovereignty" and "solidarity" will probably be the most helpful. All are relevant, informed, and concise. Arthur Jay Klinghoffer considers the ever-intriguing question of Soviet interest in Africa, suggesting that, while Cuba may have a revolutionary mission (and surplus troops), Moscow has multiple objectives and is essentially reactive in pursuing them. The Soviet Union has typically stepped in only after the Organization of Africa Unity (OAU) has failed and, while it is now more cautious about supporting ideologically heterodox regimes, it has learned to coexist with Western influence, or rather, has tacitly acknowledged its inability to compete economically with Western countries and has concentrated instead on military aid.

The success of France, according to William Zartman writing on "the French Connection," lies in the very breadth of its relations with African states. Zartman argues, with appropriate clarity, that, like Gaul, France's Africa is divided into three parts, the most important being an "active zone" stretching from Senegal to Zaire. Unlike some scholars, Zartman is not overawed by the seeming ubiquity and permanence of the French and indicates the limits of French influence set by lack of resources and African nationalism. The latter is most conspicuously symbolized by Nigeria, whose rise to presumptive leadership of Africa is examined by Pauline Baker. While Baker's essay was written before the 1984 coup, its conclusions properly suggest that current economic difficulties and changes in leadership will not seriously erode Nigeria's authority. A useful essay by Wayne A. Selcher on Brazil's role in Africa completes the section on "sovereignty."

Two of the essays on "solidarity" are notable for their candor. John Ostheimer assesses the problems of the OAU and other institutions of inter-African cooperation. Annette Seegers examines attempts by African states to confront apartheid, suggesting heretically that ultimately they may not have much collective impact on the struggle in South Africa.

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Individual neighboring states may contribute, but domestic resistance movements and extra-continental powers are likely to be decisive. The third essay, by Pearl Robinson, suggests that Afro-Arab solidarity may represent a useful counterweight to pressures on African states for alignment with the superpowers.

The characteristic weakness of symposia shows itself in the section on "stability." Donald Rothchild tries worthily, if sometimes wordily, to relate problems of ethnic division to theorizing about the African state. Claude Welch, Jr., claims, with partial success, that "radicals" such as Samuel Doe in Liberia and Jerry John Rawlings in Ghana represent a new type of military leadership. Finally, Victor Olorunsola and Dan Muhwezi give an analytically thin commentary on the woes of ethnicity. The trouble is that little of the material here is new and, more seriously, little effort is made by the authors to develop the external implications of the domestic phenomena described. Clearly, the editor is at fault for not inserting a concluding analytic essay. Another conference panel has thus translated itself into print, but the result remains a collection rather than a book, in the sense of a text integrated by an argument.

MARTIN STANILAND
University of Pittsburgh

REFERENCE BOOKS AND SOURCE MATERIALS RECEIVED

Africa Since 1914: A Historical Bibliography. *Santa Barbara, Calif., ABC-Clio Information Services, 1984.* 402 pp. $60.50.

Africa South of the Sahara 1984–85, 14th ed. *Detroit, Gale Research Co., 1984. 1,012 pp. $130.00.*

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America in Vietnam: A Documentary History *edited with commentaries by William Appleman Williams et al. Garden City, N.Y., Anchor Books, 1985. 345 pp. Cloth, $19.95; paper, $9.95.*

The American Political Dictionary, 7th ed. *by Jack C. Plano and Milton Greenberg. New York, Holt, Rinehart and Winston, 1985. 606 pp. $24.95.*

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The Middle East and North Africa, 1984–85, 31st ed. *Detroit, Gale Research Co., 1984. 801 pp. $120.00.*

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Political Parties of the World, 2nd ed. *compiled and edited by Alan J. Day and Henry W. Degenhardt. Detroit, Gale Research Co., 1984. 602 pp. $90.00.*

Political Science Abstracts: 1983 Annual Supplement, 5 vols. *New York, IFI/Plenum, 1984. 2,501 pp. $450.00.*

The Presidency: A Research Guide *by Robert U. Goehlert and Fenton S. Martin. Santa Barbara, Calif., ABC-Clio Information Services, 1985. 341 pp. $28.50.*

Sino-Soviet Conflict: A Historical Bibliography. *Santa Barbara, Calif., ABC-Clio Information Services, 1985. 190 pp. $28.50.*

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Correspondence

Caveat Emptor in Health Care

To the Editor:

The University of North Carolina Press has just drawn my attention to an error in the article, "Caveat Emptor in Health Care," by Bonita A. Wlodkowski in which she cites my work as follows: "Published under the auspices of the Heritage Foundation . . ." (PSQ 98[1983]36).

I am a Senior Fellow at the Hoover Institution at Stanford University and the Heritage Foundation had nothing to do with my book, *The Economics and Politics of Health.* Moreover I have never worked for nor received income from the Heritage Foundation.

Rita Ricardo-Campbell
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